

2-15-2012

## State v. Brown Clerk's Record v. 4 Dckt. 38347

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LAW CLERK

IN THE SUPREME COURT OF THE STATE OF IDAHO

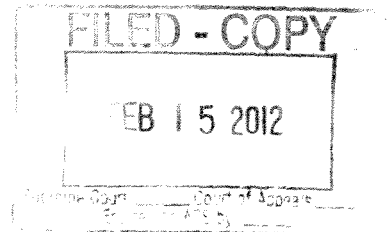
STATE OF IDAHO,

Petitioner/Respondent,

vs.

KEITH ALLEN BROWN,

Defendant/Appellant.



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Appealed from the District Court of the First Judicial  
District of the State of Idaho, in and for Bonner County

HONORABLE FRED M. GIBLER  
District Judge

---

MS. MOLLY HUSKEY  
Attorney for Appellant

MR. LAWRENCE G. WASDEN  
Attorney for Respondent

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**ORIGINAL**

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 JAN 28 P 4: 36

MARCO SCOTT  
CLERK OF DISTRICT COURT  
*[Signature]*  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER.

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	DEFENDANT'S SUPPLEMENTAL
	)	REQUEST FOR DISCOVERY
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

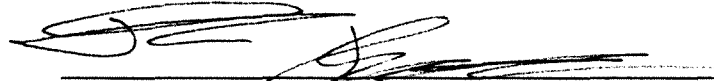
TO: PLAINTIFF, THE STATE OF IDAHO  
AND TO: LOUIS E. MARSHALL, ITS ATTORNEY OF RECORD

PLEASE TAKE NOTICE THAT the undersigned, pursuant to I.C.R. 16, hereby requests supplemental discovery and inspection of the following information, evidence and materials:

1. Please produce each and every audio recording of polygraph examination of Tyrah Brown.

IT IS FURTHER REQUESTED the Plaintiff comply with the foregoing request for discovery by sending copies of all information, evidence or materials requested herein to Defendant's Attorney's address shown above, within eighteen (18) days from the date of mailing, or fifteen (15) days from hand delivery, shown below.

DATED this 28 day of January, 2009.



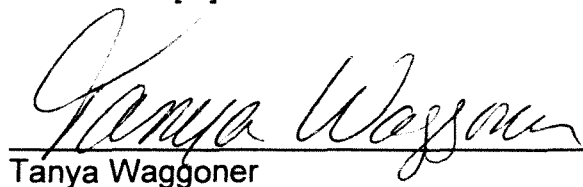
DANIEL SHECKLER  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of January, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Cheif Deputy Prosecuting  
Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed



Tanya Waggoner



**ORIGINAL**

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 JAN 28 P 4: 36

MARIE SCOTT  
CLERK DISTRICT COURT  
*[Signature]*

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	DEFENDANT'S SUPPLEMENTAL
	)	REQUEST FOR DISCOVERY
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

TO: PLAINTIFF, THE STATE OF IDAHO  
AND TO: LOUIS E. MARSHALL, ITS ATTORNEY OF RECORD

PLEASE TAKE NOTICE THAT the undersigned, pursuant to I.C.R. 16, hereby requests supplemental discovery and inspection of the following information, evidence and materials:

1. Please produce an inventory of all evidence in the above entitled matter in the custody of the Bonner County Sheriff's evidence custodian and in the custody of the evidence custodian for Lee County.

IT IS FURTHER REQUESTED the Plaintiff comply with the foregoing request for discovery by sending copies of all information, evidence or materials requested herein to Defendant's Attorney's address shown above, within eighteen (18) days from the date of mailing, or fifteen (15) days from hand delivery, shown below.

DATED this 28 day of January, 2009.


  
DANIEL SHECKLER  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of January, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Cheif Deputy Prosecuting  
Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

[ ] mailed, postage prepaid  
[ ] hand delivered  
[ ☒ ] delivered via Courthouse Mail  
[ ] faxed

  
Tanya Waggoner

STATE OF IDAHO  
COUNTY OF BONNER  
FEB 2 2009

2009 FEB -3 P 12:13

CLERK OF DISTRICT COURT  
*[Signature]*IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	
	)	CASE NO. CR-F-07-2454
Plaintiff,	)	
	)	ORDER
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	
_____	)	

At the Status Conference hearing on January 9, 2009, defense motions were scheduled for March 10, 2009. Subsequently new counsel was appointed to represent defendant. Because defendant's present counsel was not involved in the discussions regarding these motions, it is ordered that the hearings scheduled for March 10, 2009 are vacated subject to rescheduling by counsel.

At the January 9, 2009 hearing, Ms. Robertson agreed to provide certain information to Mr. Brown for use in litigation in U.S. District Court. Recent correspondence from Mr. Brown indicates he has not received that information. If she has not already done so, Ms. Robertson is directed to deliver the requested information to Mr. Brown.

IT IS SO ORDERED.

ORDER -1-

Dated this 3<sup>rd</sup> day of February, 2009.

Fred M. Gibler  
FRED M. GIBLER, District Judge

I hereby certify a true and correct copy of the foregoing was faxed this 3<sup>rd</sup> day of February, 2009, to the following:

Louis E. Marshall  
Philip H. Robinson  
Bonner County Prosecuting Attorney  
Fax: 208-263-6726

Janet Whitney  
Isabella Robertson  
Bonner County Public Defender  
Fax: 208-255-7559

Daniel Sheckler  
Attorney for Defendant  
Fax: 208-263-4438

MARIE SCOTT, Clerk of Court

By:

Bonnie Johnson  
Secretary to Judge Gibler

STATE OF IDAHO  
COUNTY OF BONNER  
CLERK

2009 FEB -3 P 12:13

CLERK *[Signature]*

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	<b>ORDER TO EXTEND</b>
	)	
Vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	
_____	)	

The above-entitled matter having come before the Court upon the Stipulated Motion to  
Extend, and for good cause now appearing, therefore;

IT IS ORDERED that the "Order In Re: Defendant's Motion to Dismiss Based Upon  
Claim of Lack of Probable Cause In Prior Case Number CR-2007-621" signed January 12, 2009  
shall be modified to indicate that the Motion to be resolved shall be Defendant's "Motion to  
Suppress Evidence for Lack of Probable Cause in No. CR-07-621."

IT IS FURTHER ORDERED that the Defendant's Opening Brief shall be due on or  
before five o'clock (5:00) p.m. on March 2, 2009.

IT IS FURTHER ORDERED that the Plaintiff's Responsive Brief shall be due on or before five o'clock (5:00) p.m. on March 17, 2009

IT IS FURTHER ORDERED that the Defendant's Reply Brief shall be due on or before five o'clock (5:00) p.m. on March 23, 2009.

DATED this 3<sup>rd</sup> day of February 2009.

Fred M Gibler  
FRED GIBLER  
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 3<sup>rd</sup> day of February 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-4438 to:

Linda Apple  
Clerk of the Court

**ORIGINAL**

DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2009 FEB -3 P 4: 33

MARIE J.  
CLERK DISTRICT COURT  
*as*  
DEPUTY


Attorney for Defendant


IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	<b>STIPULATION AND MOTION FOR</b>
	)	<b>EXTENSION</b>
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant, by and through his attorney, DANIEL SHECKLER, and Louis Marshall, Prosecuting Attorney, and hereby stipulate for a modification of the Court's "Order In Re: Defendant's Motion to Dismiss Based Upon Claim of Lack of Probable Cause In Prior Case Number CR-2007-621" to extend the briefing scheduled shall be extended by three weeks.

The grounds for the aforesaid extension is that counsel for the defendant has recently been appointed and needs a reasonable period of time to conduct a factual and legal inquiry into the motion filed by a previous defense attorney.

  
LOUIS MARSHALL  
Bonner County Prosecuting Attorney  
Dated this 2<sup>nd</sup> day of January, 2009  
*February*

  
DANIEL SHECKLER  
Attorney at Law  
Dated this 3 day of January, 2009  
*Feb*

STIPULATION AND MOTION FOR EXTENSION: 1

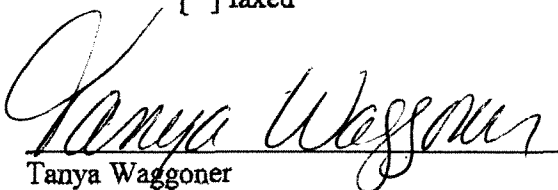
## CERTIFICATE OF SERVICE

I hereby certify that on the 2 day of <sup>February</sup>~~January~~, 2009, a true and correct copy of the

foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed

  
Tanya Waggoner



ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT  
2009 FEB 17 P 2:33  
MARI SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order approving attorney fees in this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed concurrently with this motion.

DATED this 18 day of February, 2009.

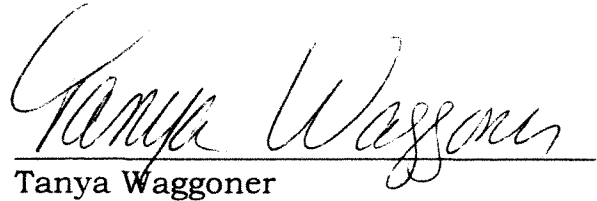
7  
DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 17 day of February 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Chief Deputy  
Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[ ☒ ] delivered via Courthouse Mail to:  
[ ] faxed via 263-6726, to:

  
Tanya Waggoner

ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 FEB 17 P 1:37

CLERK OF DISTRICT COURT  
BONNER COUNTY, IDAHO

**OFFICE OF THE PROSECUTING ATTORNEY**

LOUIS E. MARSHALL (ISB# 6441)

127 S. First Avenue

Sandpoint, ID 83864

(208) 263-6714

FAX: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

vs.

KEITH ALLAN BROWN,

Defendant.

CASE NO.: CR-2007-2454

PLAINTIFF'S RESPONSE TO  
DEFENDANT'S SUPPLEMENTAL  
REQUEST FOR DISCOVERY

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following supplemental response to discovery:

**Page (s):** A 91 – A94 Evidence located at the Bonner County Sheriff's Office  
B316 – B332 Evidence located at the Lee County Sheriff's Office

(Please note that B320 is now located at the Bonner County Sheriff's office numbered as A94)

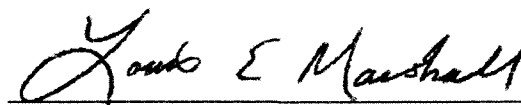
If you have not received any of the foregoing copies, please contact this office immediately.

Pursuant to Idaho Criminal Rule 16, the Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph books, paper, documents, photographs, tangible objects, building or places or copies or portions thereof, which are

mentioned or listed in the above-listed documents and which are in the possession, custody or control of the Prosecuting Attorney and which are material to the preparation of the defense, or intended for use by the Prosecutor as evidence at trial, or obtained from or belonging to the Defendant.

The Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are mentioned or listed in the above-listed documents and which are within the possession, custody or control of the Prosecuting Attorney, the existence of which is known or is available to the Prosecuting Attorney by the exercise of due diligence.

DATED this 17<sup>th</sup> day of February, 2009.

A handwritten signature in black ink, reading "Louis E. Marshall". The signature is written in a cursive style with a large, stylized "L" and "M".

---

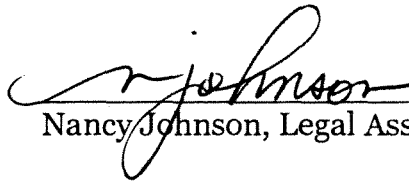
**LOUIS E. MARSHALL,**  
Prosecuting Attorney

### **CERTIFICATE OF MAILING**

I hereby certify that on the 17<sup>th</sup> day of February, 2009, I caused to be served a true and correct copy of the foregoing document as addressed to the following:

Court File - Original

Daniel Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint, ID 83864

A handwritten signature in cursive script, appearing to read "N. Johnson", is written over a horizontal line.

Nancy Johnson, Legal Assistant

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 FEB 18 P 4: 48

MAURICE SCOTT  
CLERK DISTRICT COURT  
BY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	DEFENDANT'S SUPPLEMENTAL
	)	REQUEST FOR DISCOVERY
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

TO: PLAINTIFF, THE STATE OF IDAHO  
AND TO: LOUIS E. MARSHALL, ITS ATTORNEY OF RECORD

PLEASE TAKE NOTICE THAT the undersigned, pursuant to I.C.R. 16, hereby requests supplemental discovery and inspection of the following information, evidence and materials:

1. Please produce each and FBI report and ISP report regarding Keith Brown; Specifically, those reports addressing the seizure of documents by either the FBI or ISP on or about June 24, 2006 – these seized documents were later provided to detective John

Valdez by the FBI and listed in the evidence inventory as a box of documents from FBI.

2. Please produce any and all audio or video taken by Jeff Jayne or the FBI on June 24, 2006 during the investigation, search, or seizure of the documents.

**Note: the defense is in possession of Jeff Jayne's report, dated 6-24-06 disclosed in discovery I, pages 1-19, but is seeking each and every report related to the seizure of this evidence.**

IT IS FURTHER REQUESTED the Plaintiff comply with the foregoing request for discovery by sending copies of all information, evidence or materials requested herein to Defendant's Attorney's address shown above, within eighteen (18) days from the date of mailing, or fifteen (15) days from hand delivery, shown below.

DATED this 18 day of February, 2009.



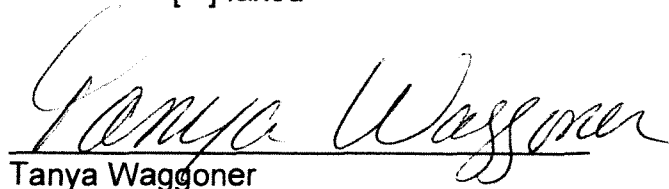
DANIEL SHECKLER  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of February, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed



Tanya Waggoner

ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2009 FEB 24 P 1:09

h

**OFFICE OF THE PROSECUTING ATTORNEY**

127 S. First Avenue  
Sandpoint, ID 83864  
(208) 263-6714  
FAX: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,	)	
	)	<b>CASE NO.: CR-2007-2454</b>
Plaintiff,	)	
	)	
vs.	)	<b>PLAINTIFF'S SUPPLEMENTAL</b>
	)	<b>RESPONSE TO REQUEST FOR</b>
KEITH BROWN,	)	<b>DISCOVERY</b>
	)	
<u>Defendant.</u>	)	

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following response to Defendant's Supplemental Request For Discovery dated January 28, 2009, requesting each and every audio recording of polygraph examination of Tyrah Brown:.

The State of Idaho does not have the requested recording(s) and does have any information about any such recording(s).

DATED this 23<sup>rd</sup> day of February, 2009.



**PHILIP H. ROBINSON,**  
Chief Deputy Prosecuting Attorney

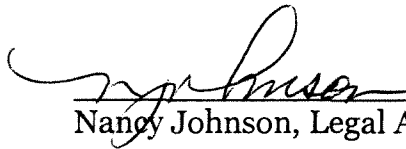


### **CERTIFICATE OF MAILING**

I hereby certify that on the *23<sup>rd</sup>* day of February, 2009, I caused to be served a true and correct copy of the foregoing document as addressed to the following:

Court File - Original

Daniel Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint, ID 83864

A handwritten signature in cursive script, appearing to read "Nancy Johnson", is written over a horizontal line.

Nancy Johnson, Legal Assistant

**ORIGINAL**

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
CLERK OF DISTRICT COURT

2009 FEB 25 A 10:19

CLERK OF DISTRICT COURT  
*[Signature]*

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of Three Thousand Ninety Five Dollars and Twenty-Six Cents (\$3,095.26) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of January, 2009 in this case.

DATED this 24 day of February 2009.

*[Signature: Fred M. Gibler]*  
FRED GIBLER  
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 25 day of February 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[X] delivered via Courthouse Mail to:  
[ ] faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

[X] mailed, ~~postage prepaid~~, to:  
[ ] hand delivered to:  
[ ] delivered via Courthouse Mail to:  
[ ] faxed via 263-4438 to:

Linda Appert  
Clerk of the Court

ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 FEB 27 P 1: 26

SCOTT  
DISTRICT COURT

**OFFICE OF THE PROSECUTING ATTORNEY**

LOUIS E. MARSHALL (ISB #6441)

127 S. First Avenue

SANDPOINT, ID 83864

(208) 263-6714

FAX: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,	)	
	)	CASE NO.: CR-2007-2454
Plaintiff,	)	
	)	
vs.	)	PLAINTIFF'S SUPPLEMENTAL
	)	RESPONSE TO REQUEST FOR
KEITH ALLAN BROWN,	)	DISCOVERY
	)	
<u>Defendant.</u>	)	

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following supplemental response to discovery:

<b>Correspondence Box "B"</b>	Written correspondence to and from Keith and Tyrah Brown received from April 1, 2008 through January 30, 2009, contained in "Correspondence Box "B" and are available for inspection and copying at the Office of the Bonner County Prosecuting Attorney. (These are documents that have not been previously scanned by Defense Counsel's Investigator)
-------------------------------	---

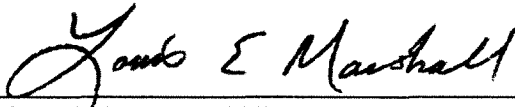
If you have not received any of the foregoing copies, please contact this office immediately.

Pursuant to Idaho Criminal Rule 16, the Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph books, paper, documents,

photographs, tangible objects, building or places or copies or portions thereof, which are mentioned or listed in the above-listed documents and which are in the possession, custody or control of the Prosecuting Attorney and which are material to the preparation of the defense, or intended for use by the Prosecutor as evidence at trial, or obtained from or belonging to the Defendant.

The Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are mentioned or listed in the above-listed documents and which are within the possession, custody or control of the Prosecuting Attorney, the existence of which is known or is available to the Prosecuting Attorney by the exercise of due diligence.

DATED this 27<sup>th</sup> day of February, 2009.

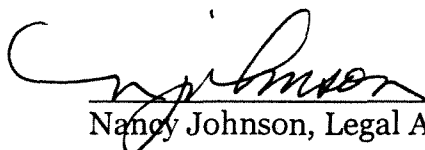
  
\_\_\_\_\_  
**LOUIS E. MARSHALL**  
Prosecuting Attorney

#### **CERTIFICATE OF MAILING**

I hereby certify that on the 27<sup>th</sup> day of February, 2009, I caused to be served a true and correct copy of the foregoing document as addressed to the following:

Court File - Original

Daniel Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint, ID 83864

  
\_\_\_\_\_  
Nancy Johnson, Legal Assistant

STATE OF IDAHO  
COUNTY OF BONNER  
DISTRICT

2009 FEB 27 P 1: 26

CLERK OF DISTRICT COURT  
J. W. BRY

**OFFICE OF THE PROSECUTING ATTORNEY**

127 S. First Avenue  
Sandpoint, ID 83864  
(208) 263-6714  
FAX: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**


STATE OF IDAHO,	)	
	)	CASE NO.: CR-2007-2454
Plaintiff,	)	
	)	
vs.	)	PLAINTIFF'S RESPONSE TO
	)	DEFENDANT'S SPECIFIC
KEITH BROWN,	)	REQUEST FOR DISCOVERY
	)	
<u>Defendant.</u>	)	

COMES NOW Louis E. Marshall, Prosecuting Attorney for Bonner County and hereby responds to Defendant's Specific Request for Discovery submitted on February 18, 2009.

The documents, tapes and other items requested by the Defense are not in the custody or control of the Bonner County Sheriff's Office nor the Bonner County Prosecutor. The Defense Attorney or his investigator may schedule a time with Detective John Valdez to review any materials and/or evidence in this case in the custody of the Bonner County Sheriff's Office.

There is a series of documents seized in 2006 that was received by the Federal Bureau of Investigation. These items will be made available for copying and/or inspection.

DATED this 25<sup>th</sup> day of February, 2009.

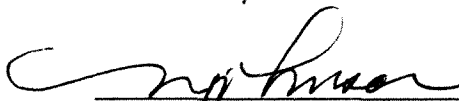
  
\_\_\_\_\_  
LOUIS E. MARSHALL  
Prosecuting Attorney

**CERTIFICATE OF MAILING**

I hereby certify that on the 27<sup>th</sup> day of February, 2009, I caused to be served a true and correct copy of the foregoing document as addressed to the following:

Court File - Original

Daniel Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint, ID 83864

A handwritten signature in cursive script, appearing to read "Nancy Johnson", written over a horizontal line.

Nancy Johnson, Legal Assistant

Judicial District Court, State of Idaho  
In and For the County of Bonner  
215 S. First Avenue  
Sandpoint, Idaho 83864

STATE OF IDAHO,  
Plaintiff.

vs.

Keith Allen Brown  
[REDACTED]  
Sandpoint, ID 83864

Defendant.

DOB: [REDACTED]  
DL or SSN: [REDACTED] MT

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2009 APR -6 A 9:14

MARIE SCOTT  
CLERK DISTRICT COURT

DEPUTY

Case No: CR-2007-0002454

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Motions Friday, May 08, 2009 @09:30 AM  
Judge: Fred M. Gibler

Alternate Presiding Judges: Charles W. Hosack, John P. Luster,  
John T. Mitchell, George Reinhardt, III, James R. Michaud, John H Bradbury,  
Lansing Haynes

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Monday, April 06, 2009.

Keith Allen Brown Mailed \_\_\_\_\_ Hand Delivered \_\_\_\_\_

Daniel K Sheckler Faxed X Hand Delivered \_\_\_\_\_  
Attorney at Law (263-4438)  
Po Box 1005  
Sandpoint ID 83864

Louis E Marshall Faxed X Hand Delivered \_\_\_\_\_  
Bonner County Prosecutor

Dated: Monday, April 06, 2009  
Marie Scott  
Clerk of the District Court

By:

Linda Appelt  
Deputy Clerk

cc: Judge Gibler (208-753-3581)  
Lynne  
Bailliff



ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

CLERK OF DISTRICT COURT  
COUNTY OF BONNER  
IDAHO  
2009 APR -8 P 4: 38

CLERK OF DISTRICT COURT  
COUNTY OF BONNER  
IDAHO  
ap

Attorney for Defendant

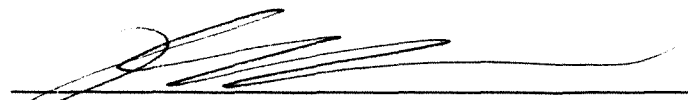
IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney,  
DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b),  
respectfully moves this Court ex parte for its Order approving attorney fees in  
this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed  
concurrently with this motion.

DATED this 8 day of April, 2009.


  
DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of April 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
☒ delivered via Courthouse Mail to:  
[ ] faxed via 263-6726, to:

  
Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2009 APR 14 A 11:40

NAME SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of Seven Thousand One Hundred Forty-Eight Dollars and Seventy-Four Cents (\$7,148.74) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of February, 2009 in this case.

DATED this 14 day of April 2009.

Fred M. Gibler  
 FRED GIBLER  
 District Judge

ORDER FOR PAYMENT OF ATTORNEY FEES: 1

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of April 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Appels  
Clerk of the Court

ORIGINAL

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2009 APR 14 A 11:40

NAME SOUTHER  
 CLERK DISTRICT COURT  
 DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of One Thousand Seven Hundred Fifty-two Dollars and Sixty-Nine Cents (\$1752.69) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of March, 2009 in this case.

DATED this 14 day of April 2009.

Fred M. Gibler  
 FRED GIBLER  
 District Judge

ORDER FOR PAYMENT OF ATTORNEY FEES: 1

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of April 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Apple  
Clerk of the Court

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: FRED GIBLER  
REPORTER: BYRL R. CINNAMON  
CLERK: LINDA OPPELT  
DIVISION: DISTRICT

CASE NO. CR-2007-2454  
DATE: 05-08-09 TIME: 09:30 A.M.  
CD: 09-115

STATE OF IDAHO

vs KEITH ALLEN BROWN

Plaintiff / Petitioner

Defendant / Respondent

Atty: LOUIS MARSHALL/LOUIS MARSHALL

Atty: DANIEL SHECKLER

SUBJECT OF PROCEEDINGS

MOTIONS

INDEX	SPEAKER	PHASE OF CASE
9:41	J	<b>Calls Case</b>
		<b>Present:</b> DEFENDANT PRESENT IN CUSTODY/DANIEL SHECKLER, LOUIS MARSHALL, PHILIP ROBINSON
	J	TIME SET FOR 2 DEFENSE MOTIONS. MOTION TO SUPPRESS IN CR-07-621 FOR LACK OF PROBABLE CAUSE FOR ARREST AND MOTION FOR FRANKS HEARING.
	DS	TAKE UP FRANKS HEARING. HEARING IS WHAT PROCESS IS DUE MR. BROWN. INFORMATION FROM REBECCA HARDING WAS KEPT FROM THE MAGISTRATE. REBECCA SAID HE COULD USE THE CARD TO PURCHASE GAS.
945	J	WHERE IS THIS IN THE RECORD?
	DS	IN POLICE REPORT ATTACHED TO MOTION. PARAGRAPH 101.
947	J	AFTER SEARCH WARRANT HEARING.
	DS	MR. INGRAM REPORT AND WARRANT HEARING ARE AT THE SAME TIME.
	J	PARAGRAPH 77 TALKS ABOUT OFFICER.
		TWO DATES AT THE TOP.
	DS	AFTER WARRANT WAS ISSUED THE INFORMATION FOUND.
	J	WARRANT WAS SERVED NEXT DAY.
	DS	WARRANT WAS SERVED A MONTH LATER IN FLORIDA. THE OFFICER SAT ON THE INFORMATION FOR A MONTH.
949	J	AFTER THE SEARCH WARRANT WAS ISSUED.
	DS	MR. INGRAM'S TESTIMONY SAID ALL THE STORE OWNERS SAID MR. BREAW HADN'T BEEN SEEN AFTER USE OF TRANSACTION CARD. IT WAS FOUND THAT MR. BREAW HAD BEEN SEEN AFTER USE OF THE TRANSACTION CARD.
952		THE OFFICER NEEDED TO GO BACK TO THE MAGISTRATE ABOUT THE AUTHORIZED USE AND ABOUT MR. BREAW BEING SEEN AFTER ITS USE.
		SEIZURE NOT REASONABLE.
9:56	J	ARGUMENT?
	LM	SPECULATION ON THE DEFENSES PART. THIS CASE IS STILL BEING DEVELOPED, SHOULD WE GO BACK TO MAGISTRATE OR DISTRICT COURT.
		AMPLE FACTS TO SUPPORT PROBABLE CAUSE.
		2004 FISHER CAUSE (JUDGE MICHAUD'S CASE IN BONNER COUNTY) CITED.
		DENY MOTION.
10:00	DS	MR. MARSHALL SAID THIS WAS AN ONGOING INVESTIGATION. THEY CAN CONDUCT AN INVESTIGATION WITHOUT GETTING A WARRANT. A WARRANT

		IS ISSUED BECAUSE A CRIME WAS COMMITTED.
		THE POLICE REPORTS SHOULD BE CONSIDERED.
10:03	J	COULD BE A DISTINCTION OF EXECUTION OF SEARCH WARRANT AND ARREST WARRANT.
	DS	BOTH ISSUES ABOUT ARREST WARRANT.
	J	YOUR MOTION TALKS ABOUT BOTH.
10:05		FEBRUARY 6 <sup>TH</sup> A SEARCH WARRANT AND ARREST WARRANT WERE ISSUED. THE SEARCH WARRANT WAS EXECUTED THE NEXT DAY.
		WHAT IF FRANKS HEARING GRANTED FOR ONE WARRANT AND NOT THE OTHER WARRANT?
	DS	TWO DIFFERENT TYPES OF EVIDENCE (DISCUSSING THE TWO DIFFERENT TYPES OF WARRANTS)
	J	ANYTHING FURTHER?
1008	LM	CAN ARGUE ON THE MOTION TO SUPPRESS.
	J	TAKE MOTION TO SUPPRESS UP.
	DS	A LOT OF CIRCUMSTANTIAL EVIDENCE BY OFFICER. DEFENDANT HAD THE PIN NUMBER SO THAT SHOWS THE DEFENDANT WAS AUTHORIZED TO USE THE CARD.
10:11	J	EVIDENCE IN FRONT OF THE MAGISTRATE.
	DS	DEFENDANT WAS AT THE PUMP USING THE CARD. HE HAD AUTHORIZATION TO USE THE CARD FROM MR. BREAW.
1013	J	WHAT INFERENCE DO YOU DRAW FROM THE WALLET BEING FOUND BY THE DECEASED AND THE TRANSACTION CARD WAS MISSING FROM THE WALLET?
	DS	THE WALLET WASN'T STOLEN. IF DEFENDANT WAS A THIEF IT WOULD HAVE BEEN GONE.
	J	CAN TALK TO CLIENT.
1016	DS	MY CLIENT POINTS OUT THAT THE RECEIPTS FOUND WITH THE WALLET SHOWS USE BY DEFENDANT.
1017	LM	REBUTTAL
		DIDN'T THINK MR. BROWN WAS INNOCENT IN CR-07-621 THAT IS NOT WHY IT WAS DISMISSED.
		WE ARE NOT HERE FOR CR-07-621. NEED TO LOOK AT THE CURRENT CASE.
1020	J	WHAT WAS HE ARRESTED FOR?
	LM	CITES
		THE VICTIM AND DEFENDANT WERE VERY CLOSE. THE VICTIM COULD HAVE DISCOVERED USE.
	J	DAY OF DEATH?
	LM	01-23-07. SOMEONE MAY HAVE SAW HIM ON 01-24-07. WITHIN A WEEK OF THAT.
	DS	MR. STOW (PROSECUTOR) SAID 1-26-07. NO CLEAR DATE OF DEATH.
1025	J	YOU SAID I CAN GRANT MOTION HERE AND STILL GO THROUGH THE SAME PROCESS WITH THE MURDER CASE?
	DS	HERE FOR PROBABLE CAUSE OF WARRANT.
	J	CLARIES WHAT COULD HAPPEN.
1027	DS	MAY HAVE TO GO THROUGH MORE SUPPRESSION HEARINGS.
	J	RELATED TO THAT POINT IS THERE ANY EVIDENCE THAT CAME OUT BETWEEN 02-06-09 AND TIME OF ARREST TO COLLABORATE THE THEFT?
	LM	THERE WAS THEFT OF ESCROW CHECK.
	J	CLARIFIES WHAT MR. MARSHALL SAID.
1031	DS	NOT RELEVANT TO THE FINDING OF PROBABLE CAUSE. THEY SHOULD HAVE PURSUED ANOTHER WARRANT. NOT A TWO WAY STREET.
	J	IT IS A TWO WAY STREET. EXPLAINS. IS THERE MATERIAL EVIDENCE? EXPLAINS.
1034	DS	SEE WHAT YOU ARE SAYING BUT I DON'T KNOW IF I AGREE WITH YOU. TALKS ABOUT MATERIAL EVIDENCE.



1035	J	ANYTHING ELSE?
	LM	DISCOVERY OF MR. BREAW'S BODY IS ALSO MATERIAL EVIDENCE.
	DS	DUTY OF OFFICER IS TO PROVIDE EVIDENCE TO MAGISTRATE.
	J	RECESS AND GIVE IT SOME THOUGHT. MAY TAKE UNDER ADVISEMENT. IF RULE THAT A FRANKS HEARING CAN HAPPEN DO YOU WANT ONE SET?
	DS	YES
10:37		RECESS
11:10		RESUME
	J	THE REQUEST FOR FRANK'S HEARING IS THE NORMAL REQUEST. CITES NORMAL REQUEST FOR FRANK'S HEARING. THE ARREST WARRANT WAS ISSUED AND NOT EXECUTED UNTIL ANOTHER MONTH. DEFENSE NOT SAYING INTENTIONAL FALSE STATEMENTS AT THE TIME OF HEARING BUT THAT STATE HAD OBTAINED EVIDENCE AFTER ISSUANCE OF THE ARREST WARRANT.
1114		IF INFORMATION CAME TO MAGISTRATE IT COULD HAVE BEEN DIFFERENT. <b>GRANT REQUEST FOR FRANK'S HEARING.</b>
		<b>WILL MAKE DECISION ON MOTION TO SUPPRESS AFTER HEARING FRANK'S HEARING.</b>
		<b>PREPARE ORDER?</b>
	DS	<b>YES SIR.</b>
	J	HOW LONG FOR A FRANK'S HEARING?
	DS	NEED TIME TO DECIDE.
	J	GIVE ME A TELEPHONE CALL WITH BOTH OF YOU TO DISCUSS WHEN TO SET IT.
	LM DS	YES
	DS	PUSH THE TRIAL BACK.
	J	WOULD LIKE THAT DECIDED SOONER THAN LATER.
	LM	RECOGNIZED MR. SHECKLER HASN'T BEEN ON CASE THAT LONG. WOULD LIKE TO PROCEED.
	DS	RESET TO JANUARY 2010?
	LM	SHAKES HEAD YES
	J	<b>WILL VACATE TRIAL AND RESET AFTER THE FIRST OF THE YEAR.</b> ANYTHING ELSE?
	DS	NO
	PR	WHEN APPROXIMATELY WILL THE FRANKS HEARING BE?
	DS	NEED TO TALK.
	J	HAVE TIME IN SEPTEMBER.
		LET ME KNOW.
1120		END

☒ ADULT

☐ JUVENILE

STATE OF IDAHO } ss  
County of Bonner  
FILED 8-69  
AT 11:26 O'Clock AM  
CLERK, DISTRICT COURT  
Deputy U

# JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: Gibler

CASE NO. 2007 - 2454  
LR

Keith  
(SUBJECT'S FIRST NAME)

Allen  
(SUBJECT'S MIDDLE NAME)

Brown  
(SUBJECT'S LAST NAME)

☐ BY VIDEO

☐ SUBJECT APPEARED IN COURT ON: 5/8/09 AT 9:30 AM

☒ SUBJECT IS TO: ☐ BE OR'D  
☐ BE RELEASED BY JUDGES ORDER

☒ REMAIN IN CUSTODY

☐ BE RELEASED/TIME SERVED

☐ BOND \$ \_\_\_\_\_

☐ BE RELEASED TO PARENT/PTA

☐ MUST SIGN WAIVER OF EXTRADITION

☐ WORK RELEASE/SEARCH GRANTED

☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

☐ SENTENCED TO: ☐ \_\_\_\_\_ DAYS IMPOSED ☐ \_\_\_\_\_ HOURS ON SHERIFF'S LABOR PROGRAM.  
☐ \_\_\_\_\_ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**  
☐ \_\_\_\_\_ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**  
☐ \_\_\_\_\_ DAYS CREDIT \_\_\_\_\_, 20\_\_\_\_.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: \_\_\_\_\_ AT \_\_\_\_\_ M

☐ BREATH OR U/A TEST ORDERED \_\_\_\_\_ X'S WEEKLY ON: \_\_\_\_\_ AT \_\_\_\_\_ M

☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED \_\_\_\_\_ YEAR (S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN \_\_\_\_\_ AND NOT MORE THAN \_\_\_\_\_  
IN THE IDAHO STATE DEPT. OF CORRECTIONS.

☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON \_\_\_\_\_ YEARS PROBATION.

☐ SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 180 DAYS.

☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE \_\_\_\_\_ DAYS LOCAL JAIL.

CHARGES MOTION Defense motion  
1) suppress # 07621  
GRANTED 2) Franks hearing

JUDGE'S ORDER: SUBJECT IS TO \_\_\_\_\_

(Telephonic to Sgt

Franks hearing) 2 MONTHS

NEXT HEARING: AAPK N/A

VACATE

GOVT JAN/FEB

Sgt

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

636

BAILIFF LM

JUDGE'S SIGNATURE (if needed)

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

2009 MAY 11 P 3:03

Attorney for Defendant


IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney,  
DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b),  
respectfully moves this Court ex parte for its Order approving attorney fees in  
this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed  
concurrently with this motion.

DATED this 11 day of May, 2009.

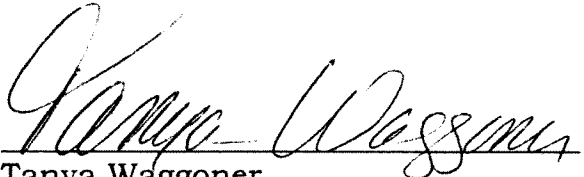
  
DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of May 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[ ☒ ] delivered via Courthouse Mail to:  
[ ] faxed via 263-6726, to:

  
Tanya Waggoner

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2009 MAY 13 A 8:36

MAHE SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

Vs.

KEITH BROWN,

Defendant.

Case No. CR-2007-2454

**ORDER AUTHORIZING FRANKS  
 HEARING**

The matter having come before the Court on Defendant's Motion for a *Franks* hearing with an attached substantial preliminary showing of withholding material exculpatory, and for good cause appearing; now therefore:

IT IS HEREBY ORDERED that a *Franks* hearing shall be held to determine whether the officers deliberately or recklessly withheld material exculpatory information from magistrate or deliberately or recklessly made false statements to the magistrate in their application for an arrest warrant.

DATED this 12 day of May 2009.

Fred M. Gibler  
 FRED GIBLER  
 District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of May 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-6726 to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-4438 to:

Linda Appel  
Clerk of the Court

**ORIGINAL**

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2009 MAY 19 A 11:56

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of Two Thousand Four Hundred One Dollars and No Cents (\$2,401.00) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of April, 2009 in this case.

DATED this 14 day of May 2009.

Fred M Gibler  
FRED GIBLER  
District Judge

ORDER FOR PAYMENT OF ATTORNEY FEES: 1

641

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of May 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage-prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Lincoln Apple  
Clerk of the Court

cc: Public Defender  
Dan (Auditor)



POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

2009 MAY 15 P 1:07

ap

Attorney for Defendant


IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION FOR APPROVAL
	)	OF INVESTIGATIVE FUNDS
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order approving Forty Thousand Dollars (\$40,000) in public funds be transferred to line item account number 559-011, entitled "PD Enhancement-Brown," for payment of pretrial costs of this phase of Defense investigation.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed concurrently with this motion.

DATED this 14 day of May, 2009.

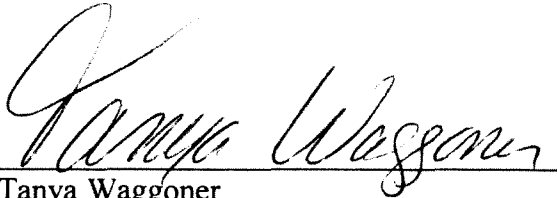
  
DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of May 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[ ☒ ] delivered via Courthouse Mail to:  
[ ] faxed via 263-6726, to:

  
\_\_\_\_\_  
Tanya Waggoner

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2009 MAY 26 P 1:16

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR APPROVAL OF
	)	INVESTIGATIVE FUNDS
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Approval of Investigative Funds and for good cause now appearing:

IT IS HEREBY ORDERED that Forty Thousand Dollars (\$40,000) in public funds be transferred to line item account number 559-011, entitled "PD Enhancement - Brown," for payment of pretrial costs of this phase of Defense investigation.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

*This will be  
handled by  
Judge Luster.  
will not  
be granted  
w/o a hearing*

FRED GIBLER  
District Judge

*52509  
26*  
*[Signature]*

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of May 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Appelt  
Clerk of the Court

F 1 Judicial District Court, State of Idr  
In and For the County of Bonner  
215 S. First Avenue  
Sandpoint, Idaho 83864

STATE OF IDAHO,  
Plaintiff.

vs.

Keith Allen Brown  
[REDACTED]  
Sandpoint, ID 83864

Defendant.

DOB: [REDACTED]  
DL or SSN: [REDACTED] MT

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2009 JUN -3 P 1:22

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Case No: CR-2007-0002454

AMENDED  
NOTICE OF TRIAL

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Jury Trial - 8 Days Tuesday, March 09, 2010 @09:00 AM  
Judge: Fred M. Gibler

Alternate Presiding Judges: Charles W. Hosack, John P. Luster,  
Fred M. Gibler, George Reinhardt, III, James R. Michaud, John H Bradbury,  
Lansing Haynes

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by  
the Court and on file in this office. I further certify that copies of this Notice were served as  
follows on this date Wednesday, June 03, 2009.

Daniel K Sheckler  
Powell & Reed  
Po Box 1005  
Sandpoint ID 83864

Mailed X

Louis E Marshall  
Bonner County Prosecutor

Mailed COURT  
MAIL

Dated: Wednesday, June 03, 2009

Marie Scott  
Clerk of the District Court

By:

Linda Opper  
Deputy Clerk

cc: Lynne  
Jury Commissioner  
Bailiff  
Judge Gibler

ORIGINAL

POWELL & REED, P.C.  
Daniel Sheckler  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 JUN -3 P 4: 50

DAVID SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

---

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	NOTICE OF FRANKS HEARING
	)	
vs.	)	
	)	
Keith Allen Brown,	)	
	)	
Defendant.	)	

---

Notice is hereby given that the Defendant, KEITH ALLEN BROWN, by and through his attorney of record, Daniel K. Sheckler, will call a Franks Hearing before the Honorable Fred M. Gibler District Court Judge of the above Court, **on the 19<sup>th</sup> day of August, 2009, at the hour of 9:30 a.m.**, or as soon thereafter as it may be heard at the Courthouse in Sandpoint, Idaho, at which time Defendant will provide oral argument and testimony.

DATED this 2 day of June, 2009.



DANIEL SHECKLER  
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that on the 2 day of June, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864

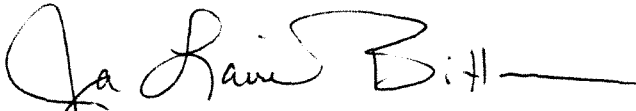
☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 263-6726

Philip R. Robinson  
Bonner County Deputy Prosecutor  
127 S First  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 263-6726

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
Post Office Box 527  
Wallace, Idaho 83873-0527

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 753-3581

  
\_\_\_\_\_  
J. Laire Bitton

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 JUN -8 P 4:46

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	DEFENDANT'S SUPPLEMENTAL
	)	REQUEST FOR DISCOVERY
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

TO: PLAINTIFF, THE STATE OF IDAHO  
AND TO: LOUIS E. MARSHALL, ITS ATTORNEY OF RECORD

PLEASE TAKE NOTICE THAT the undersigned, pursuant to I.C.R. 16, hereby requests supplemental discovery and inspection of the following information, evidence and materials:

1. Please produce each and every handwriting analysis, review or assessment done within the Idaho State Police of the handwriting of Keith Brown, Leslie Breaw or Tyrah Brown, or on the Escrow Check. Such analysis, review, or assessment, may have been



done by "Kurt" at the Idaho State Police; see Facsimile Transmittal Sheet of Detective John Valdez to Julie Morgan provided in Discovery J-17."

IT IS FURTHER REQUESTED the Plaintiff comply with the foregoing request for discovery by sending copies of all information, evidence or materials requested herein to Defendant's Attorney's address shown above, within eighteen (18) days from the date of mailing, or fifteen (15) days from hand delivery, shown below.

DATED this 8 day of June, 2009.

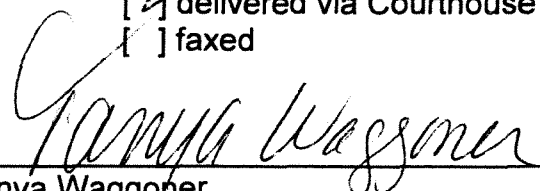
  
DANIEL SHECKLER  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of June, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed

  
Tanya Waggoner

208-769-1482

RETURN TO  
J. VALDEZ

ER COUNTY SHERIFF'S OFFICE  
FAX #208 265-4378

FACSIMILE TRANSMITTAL SHEET

TO: INV. Julie Morgan FROM: Det. John Valdez  
COMPANY: Idaho State Police DATE: 02-27-07  
FAX NUMBER: 208-769-1482 TOTAL NO. OF PAGES INCLUDING COVER: 11  
PHONE NUMBER: SENDER'S REFERENCE NUMBER: 07-1321  
RE: LRS Bureau YOUR REFERENCE NUMBER:

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

OK Let me know what you think,  
Also those PDF files of the Clark  
Should go to Kurt — He was doing  
Handwriting.  
John V.

\*\*\*\*\*  
THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY CONTAIN PRIVILEGED  
INFORMATION. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM  
IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, ANY USE, DISSEMINATION OR DISTRIBUTION  
OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE  
NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US. THANK YOU

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
1ST JUDICIAL DISTRICT

2009 JUN -8 P 4:46

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	DEFENDANT'S SUPPLEMENTAL
	)	REQUEST FOR DISCOVERY
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

TO: PLAINTIFF, THE STATE OF IDAHO  
AND TO: LOUIS E. MARSHALL, ITS ATTORNEY OF RECORD

PLEASE TAKE NOTICE THAT the undersigned, pursuant to I.C.R. 16, hereby requests supplemental discovery and inspection of the following information, evidence and materials:

1. Please produce the substance of all oral or written statements by Tyrah Brown to the Prosecuting Attorney or their agents. Including but not limited to a sworn affidavit by Tyrah Brown.

IT IS FURTHER REQUESTED the Plaintiff comply with the foregoing request for discovery by sending copies of all information, evidence or materials requested herein to Defendant's Attorney's address shown above, within eighteen (18) days from the date of mailing, or fifteen (15) days from hand delivery, shown below.

DATED this 8 day of June, 2009.

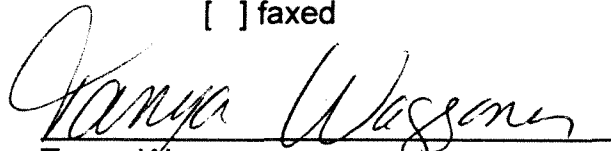
  
DANIEL SHECKLER  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of June, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

[ ] mailed, postage prepaid  
[ ] hand delivered  
[ ☒ ] delivered via Courthouse Mail  
[ ] faxed

  
Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT  
2009 JUN -8 P 4:46  
MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	DEFENDANT'S SUPPLEMENTAL
	)	REQUEST FOR DISCOVERY
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

TO: PLAINTIFF, THE STATE OF IDAHO  
AND TO: LOUIS E. MARSHALL, ITS ATTORNEY OF RECORD

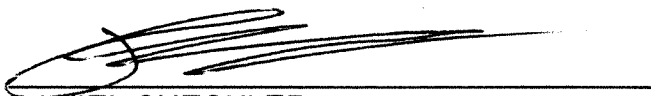
PLEASE TAKE NOTICE THAT the undersigned, pursuant to I.C.R. 16, hereby requests supplemental discovery and inspection of the following information, evidence and materials:

1. Please produce any audio or video of police encounter with Idaho State Police trooper Jeff Jayne and Keith Brown about June or July, 2006.

IT IS FURTHER REQUESTED the Plaintiff comply with the foregoing request for

discovery by sending copies of all information, evidence or materials requested herein to Defendant's Attorney's address shown above, within eighteen (18) days from the date of mailing, or fifteen (15) days from hand delivery, shown below.

DATED this 8 day of June, 2009.

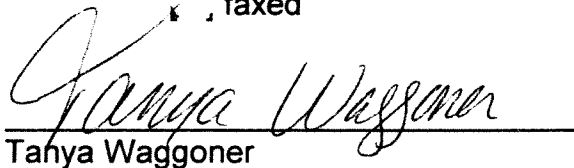
  
DANIEL SHECKLER  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of June, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed

  
Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
Daniel Sheckler  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT  
2009 JUN 11 P 4:40  
MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER


---

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	NOTICE HEARING ON EX PARTE
	)	MOTION FOR INVESTIGATIVE
vs.	)	FUNDS
	)	
Keith Allen Brown,	)	
	)	
Defendant.	)	

---

Notice is hereby given that the Defendant, KEITH ALLEN BROWN, by and through his attorney of record, Daniel K. Sheckler, will call a Hearing on EX PARTE Motion for Investigative Funds before the Honorable Fred M. Gibler District Court Judge of the above Court, **on the 22nd day of June, 2009, at the hour of 10:30 a.m.**, or as soon thereafter as it may be heard at the Courthouse in Sandpoint, Idaho, at which time Defendant will provide oral argument and testimony.

DATED this 11 day of June, 2009.

  
DANIEL SHECKLER  
Attorney at Law

CERTIFICATE OF SERVICE

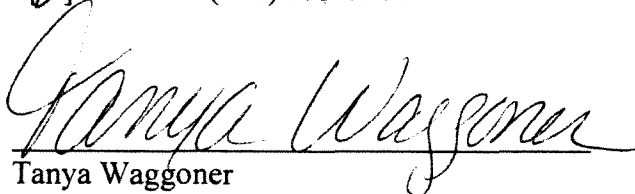
I hereby certify that on the 11 day of June, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed via (208) 263-6726

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
Post Office Box 527  
Wallace, Idaho 83873-0527

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 753-3581

  
Tanya Waggoner



POWELL & REED, P.C.  
Daniel Sheckler  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 JUN 16 P 4: 34

MARIE SCOTT  
CLERK DISTRICT COURT  
ap  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER


---

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	AMENDED NOTICE HEARING ON
	)	EX PARTE MOTION FOR
vs.	)	INVESTIGATIVE FUNDS
	)	
Keith Allen Brown,	)	
	)	
Defendant.	)	

---

Notice is hereby given that the Defendant, KEITH ALLEN BROWN, by and through his attorney of record, Daniel K. Sheckler, will call a Hearing on EX PARTE Motion for Investigative Funds before the Honorable John Luster District Court Judge of the above Court, **on the 22nd day of June, 2009, at the hour of 10:30 a.m.**, or as soon thereafter as it may be heard at the Courthouse in Sandpoint, Idaho, at which time Defendant will provide oral argument and testimony.

DATED this 16 day of June, 2009.

  
DANIEL SHECKLER  
Attorney at Law

CERTIFICATE OF SERVICE

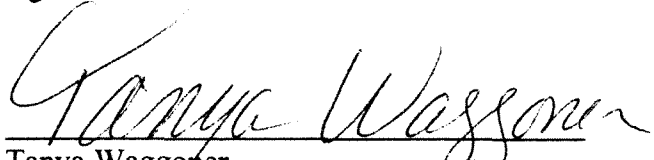
I hereby certify that on the 16 day of June, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 263-6726

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
Post Office Box 527  
Wallace, Idaho 83873-0527

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 753-3581

  
\_\_\_\_\_  
Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
Daniel Sheckler  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT  
2009 JUN 17 P 4: 09  
MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY 40

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

---

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	MOTION TO SEAL RECORDS
	)	
vs.	)	
	)	
Keith Allen Brown,	)	
	)	
Defendant.	)	

---

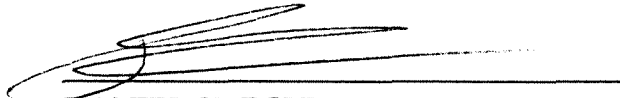
COMES NOW the Defendant, Keith Allen Brown, by and through his  
attorney of record, Daniel K. Sheckler of Powell & Reed, P.C., and pursuant to  
Administrative Rule 32 hereby moves this Honorable Court to seal all records of

proceedings and documents filed herein pertaining to Defendant's May 15, 2009

Ex Parte Motion for Approval of Investigative Funds.

The grounds for the aforesaid motion are that a sealed request for investigative funds is necessary to maintain the attorney-client privilege.

DATED this 17 day of June, 2009.

  
DANIEL SHECKLER  
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that on the 17 day of June, 2009, a true and correct

copy of the foregoing was served on the following individual(s) by the method

indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864  
FAX 263-6726

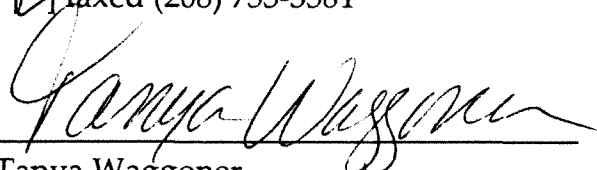
☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed (208) 263-6726

Philip R. Robinson  
Bonner county Deputy Prosecutor  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed (208)263-6726

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
P.O. Box 527  
Wallace, ID 83873-0527

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed (208) 753-3581

  
\_\_\_\_\_  
Tanya Waggoner

ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 JUN 18 P 4: 39

MARIE SCOTT  
CLERK DISTRICT COURT

DEPUTY

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	DEFENDANT'S SUPPLEMENTAL
	)	REQUEST FOR DISCOVERY
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

TO: PLAINTIFF, THE STATE OF IDAHO  
AND TO: LOUIS E. MARSHALL, ITS ATTORNEY OF RECORD

PLEASE TAKE NOTICE THAT the undersigned, pursuant to I.C.R. 16, hereby requests supplemental discovery and inspection of the following information, evidence and materials:

1. Please produce copies of all handwriting samples used in the Northwest Forensics handwriting analysis.

IT IS FURTHER REQUESTED the Plaintiff comply with the foregoing request for

discovery by sending copies of all information, evidence or materials requested herein to Defendant's Attorney's address shown above, within eighteen (18) days from the date of mailing, or fifteen (15) days from hand delivery, shown below.

DATED this 18 day of June, 2009.



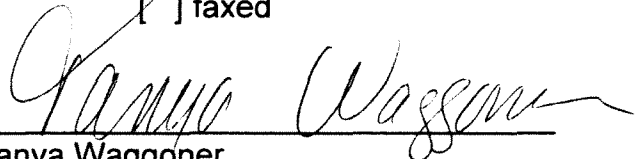
DANIEL SHECKLER  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of June, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

[ ] mailed, postage prepaid  
[ ] hand delivered  
[ ☒ ] delivered via Courthouse Mail  
[ ] faxed



Tanya Waggoner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: JOHN P. LUSTER  
REPORTER: ANNE MACMANUS  
CLERK: MISSY SECK  
DIVISION: DISTRICT

CASE NO. CR-2007-2454  
DATE: JUNE 22, 2009 TIME: 10:00 AM  
CD # 09-164

STATE OF IDAHO

VS KEITH ALLEN BROWN

Plaintiff / Petitioner

Defendant / Respondent

Atty: LOUIS MARSHALL

Atty: DANIEL SHECKLER

SUBJECT OF PROCEEDINGS  
CHARGE

MOTION FOR INVESTIGATIVE FUNDS

INDEX	SPEAKER	PHASE OF CASE
1127	J	<b>Calls Case</b>
		<b>Present:</b> STATE NOT PRESENT; DANIEL SHECKLER ; DEFENDANT IN CUSTODY
	J	COURT HAS AMENDED NOTICE OF HEARING ON MOTION FOR INVESTIGATIVE FUNDS; INDICATES IT WAS FAXED TO MR. MARSHALL'S OFFICE. NO REPRESENTATIVE FROM STATE. USUALLY THE STATE SEEKS TO STAY OUT OF THESE ISSUES
	DS	YES AND ON EX PARTE FUNDS, I BELIEVE MR. MARSHALL SOME TIME BACK HAD A WRITTEN NO OBJECTION TO THESE TYPE OF MOTIONS.
	J	JUST WANTED TO MAKE SURE.
	DS	THERE IS ALSO A MOTION TO SEAL THE RECORD. DUE PROCESS AND ATTORNEY/CLIENT PRIVILEGE. EXPLAINS. IF WE GET INTO MORE INVESTIGATIVE PROCESS, MAY GIVE AWAY TRIAL STRATEGY. WOULD ASK THAT THE MOTION ON THE INVESTIGATIVE FUNDS BE SEALED.
	J	NOT ENTIRELY SURE WE TAKE THAT UP AT THE COMMENCEMENT OF THE PROCEEDINGS. NOT MY INTENTION TO DELVE INTO ANY STRATEGY OR INQUIRE INTO ANY ATTORNEY/CLIENT COMMUNICATION. I DO THINK SOME TYPE OF GENERAL IDEA AS TO WHAT IT IS. IF WE GET TO A POINT IN THE PROCEEDING THAT YOU FEEL NECESSARY TO DISCLOSE, THEN WE COULD ENTERTAIN THAT MOTION. DON'T WANT TO JUST SEAL UNDER RULE AT THIS POINT.
	DS	RECEIVED AFFIDAVIT AND EXHIBIT FROM ACTION AGENCY? EXPLAINS
	J	DON'T KNOW THAT I HAVE RECEIVED THAT. THAT WAS ONE OF MY CONCERNS. I RECEIVED AN AFFIDAVIT IN SUPPORT THAT YOU SUBMITTED, BUT NOT TOO INFORMATIVE.
	DS	HERE IS THE PROPOSAL FROM ACTION. BELIEVE THAT WAS FAXED TO YOUR OFFICE BY MY RECORDS, BUT IT MIGHT NOT HAVE BEEN.
	J	NOT UNUSUAL THAT I EITHER GET WAY TOO MUCH OR NONE AT ALL. THIS CASE IS ASSIGNED TO JUDGE GIBLER FOR TRIAL AND ALL PROCEEDINGS. IT WOULD BE BEST TO KEEP THE TRIAL JUDGE OUT OF THESE QUESTIONS AND IF THERE ARE OFFERS MADE WITH BEARING ON DETERMINATION FROM JUDGE, SAFE WAY TO GO.
1133	J	LET ME TAKE A LOOK AT WHAT YOU HAVE HERE
1138	J	HAVE REVIEWED WHAT YOU HANDED ME. DOESN'T SEEM TO DISCLOSE ANY STRATEGY OR PRIVILEGES. GO AHEAD.



	DS	THIS INVESTIGATION SPANS 3 STATES WITH WITNESSES OF EACH. FEEL IT NECESSARY THAT AN INVESTIGATOR INTERVIEW THESE WITNESSES SO THAT I AM NOT CALLED TO REBUT TESTIMONY. RULES OF PROFESSIONAL CONDUCT.
1140	DS	EXPLAINS COST OUTLINE. WE HAVE A TRIAL SCHEDULED, MARCH, 2010. FOR SCHEDULING PURPOSES, IF WE HAVE TO KEEP COMING BACK, COULD IMPAIR THE TIME LEFT BEFORE MARCH, 2010. THAT'S WHY I PROPOSED THE ONE LUMP SUM. IF IT WAS CLOSER TO THE \$40,000, OBVIOUSLY LEFT OVER WOULD BE RETURNED.
	DS	THIS WOULD STREAMLINE PROCESS
	J	TWO CONCERNS – FAIR TRIAL FOR MR. BROWN WITH ACCESS TO REASONABLE FUNDS; THEN BURDEN ON TAXPAYERS. WE HAVE ALREADY AUTHORIZED \$20,500 IN FUNDS. THERE WERE FOUR SEPARATE ORDERS. IF ANOTHER \$40,000, THAT'S A TOTAL OF OVER \$68,000 AND ACCORDING TO THE LETTER, THAT'S NOT EVEN AT THE END OF THE INVESTIGATION. BONNER COUNTY COULD PROBABLY EMPLOY JUST FOR THE PUBLIC DEFENDERS FOR INVESTIGATIVE WORK AT THE AMOUNT EXPENDED JUST FOR ONE DEFENDANT. UNDERSTAND THIS IS A UNIQUE CASE. NOTWITHSTANDING THIS, EVEN AN INDIVIDUAL WITH MEANS, NOT NECESSARILY GOING TO HAVE THAT \$68,000+ IN INVESTIGATIVE FUNDS.
	J	COURT NEEDS A BETTER FEEL AS TO WHY FOR DUE PROCESS
	DS	WE WOULD LIKE TO DELVE DEEPER INTO FACTUAL ALLEGATIONS.
	J	UNDERSTAND SOME EXPENSES NEED TO BE TAKEN CARE OF. I WOULD AUTHORIZE THE \$10,000 AND YOUR INVESTIGATOR WOULD USE THAT WISELY. IF WE HAVE TO COME BACK AND DELVE MORE DEEPLY INTO SPECIFICS, I MAY BE IN A BETTER SITUATION TO HEAR FURTHER ARGUMENT ON THAT.
	J	AUTHORIZE THE COMMENCEMENT OF THE \$10,000. IT'S PRETTY EASY TO GET ON MY CALENDAR.
	J	<b>LET'S GET THE INITIAL \$10,000 AUTHORIZED AND IF THERE IS INFORMATION THAT NEEDS TO BE SHARED, CAN DO A CLOSED HEARING.</b>
	J	<b>WON'T GRANT THE ORDER TO SEAL THE RECORD. DIDN'T GET INTO ANY INFORMATION THAT NEEDS TO BE SEALED.</b>
	DS	NOTHING FURTHER.
1147		END

☒ ADULT

☐ JUVENILE

STATE OF IDAHO  
County of Bonner  
FILED 10-22-09  
AT 1030 O'Clock 12 M  
CLERK, DISTRICT COURT  
Deputy u

## JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: LUSTER

CASE NO. CP07 - 2454

KEITH  
(SUBJECT'S FIRST NAME)

Allen  
(SUBJECT'S MIDDLE NAME)

Brown  
(SUBJECT'S LAST NAME)

☒ SUBJECT APPEARED IN COURT ON: 06-22-09 AT 1030 A M

☒ SUBJECT IS TO: ☐ BE OR'D ☒ REMAIN IN CUSTODY  
☐ BE RELEASED BY JUDGES ORDER  
☐ BE RELEASED/TIME SERVED ☐ BOND \$ \_\_\_\_\_  
☐ BE RELEASED TO PARENT/PTA  
☐ MUST SIGN WAIVER OF EXTRADITION ☐ WORK RELEASE/SEARCH GRANTED  
☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

☐ SENTENCED TO: ☐ \_\_\_\_\_ DAYS IMPOSED ☐ \_\_\_\_\_ HOURS ON SHERIFF'S LABOR PROGRAM.  
☐ \_\_\_\_\_ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**  
☐ \_\_\_\_\_ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**  
☐ \_\_\_\_\_ DAYS CREDIT \_\_\_\_\_, 20\_\_\_\_.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: \_\_\_\_\_ AT \_\_\_\_\_ M  
☐ BREATH OR U/A TEST ORDERED \_\_\_\_\_ X'S WEEKLY ON: \_\_\_\_\_ AT \_\_\_\_\_ M  
☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED \_\_\_\_\_ YEAR (S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN \_\_\_\_\_ AND NOT MORE THAN \_\_\_\_\_  
IN THE IDAHO STATE DEPT. OF CORRECTIONS.  
☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON \_\_\_\_\_ YEARS PROBATION.  
☐ SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 180 DAYS.  
☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE \_\_\_\_\_ DAYS LOCAL JAIL.

CHARGES MOTION - INVESTIGATIVE FUNDS -  
MURDER I  
GR. THEFT  
FIREARM poss x Felon

JUDGE'S ORDER: SUBJECT IS TO REMAIN in Custody

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

668

BAWIFF

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO } ss  
County of Bonner  
FILED 6-22-09  
AT 11:46 O'Clock A M  
CLERK, DISTRICT COURT  
Deputy

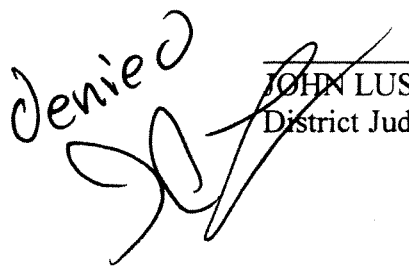
IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO, ) Case No. CR-2007-2454  
)  
Plaintiff, ) ORDER TO SEAL RECORDS  
)  
vs. )  
)  
KEITH BROWN, )  
)  
Defendant. )

The above-entitled matter having come before the Court upon the Defendant's Motion to Seal Records and for good cause now appearing:

IT IS HEREBY ORDERED that all documents and records of the proceedings relating to the Defendant's Ex Parte Motion for approval of investigative funds be sealed.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

*denied*  
  
JOHN LUSTER  
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of June 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Appel  
Clerk of the Court

2009 JUN 23 P 1:17

**OFFICE OF THE PROSECUTING ATTORNEY**

127 S. First Avenue  
Sandpoint, ID 83864  
(208) 263-6714  
FAX: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

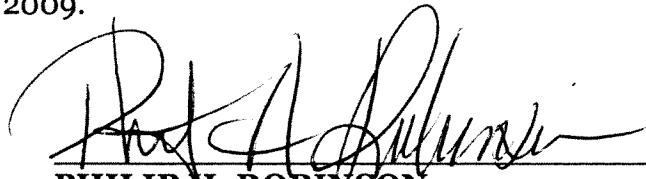
<b>STATE OF IDAHO,</b>	)	
	)	<b>CASE NO.: CR-2007-2454</b>
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>PLAINTIFF'S RESPONSE TO</b>
	)	<b>DEFENDANT'S SPECIFIC</b>
<b>KEITH BROWN,</b>	)	<b>REQUEST FOR DISCOVERY</b>
<b>Defendant.</b>	)	

COMES NOW Philip H. Robinson, Chief Deputy Prosecuting Attorney for Bonner County and hereby responds to Defendant's Specific Request for Supplemental Discovery filed on June 8, 2009, as follows:

1. Affidavit of Tyrah Brown, previously provided.
2. Contact of Cpl. Jeff Jayne with Keith Brown. DVD attached.
3. No handwriting analysis was performed by the Idaho State Police in this case. Lt. Kurt Kastens was consulted at one point and it was decided to send the handwriting analysis to an outside handwriting examiner.

4. All meetings with Tyrah Brown concerning facts, evidence or issues related to this case were had through or in the presence of Serra Woods, Attorney at Law, the attorney for Tyrah Brown and addressed Plea Negotiations and the ultimate Plea Agreement and the Stipulation that is of record in her case including but not limited to the State of Idaho not calling her as a witness.

DATED this 22<sup>nd</sup> day of June, 2009.

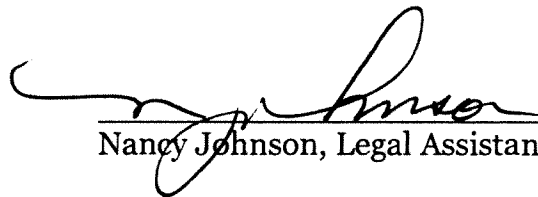
  
\_\_\_\_\_  
**PHILIP N. ROBINSON,**  
Chief Deputy Prosecuting Attorney

#### **CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of June, 2009, I caused to be served a true and correct copy of the foregoing document as addressed to the following:

Court File - Original

Daniel Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint, ID 83864

  
\_\_\_\_\_  
Nancy Johnson, Legal Assistant

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

2009 JUN 24 A 11:00

ap

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR APPROVAL OF
	)	INVESTIGATIVE FUNDS
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Approval of Investigative Funds and for good cause now appearing:

IT IS HEREBY ORDERED that Ten Thousand Dollars (\$10,000) in public funds be transferred to line item account number 559-011, entitled "PD Enhancement - Brown," for payment of pretrial costs of this phase of Defense investigation.

DATED this 24<sup>th</sup> day of June 2009.

JB Luster  
 JOHN LUSTER  
 District Judge

673

ORDER FOR PAYMENT OF ATTORNEY FEES: 1

119-F 20/10/2 190-1

6111961119

Jun-24-09 11:24am From-JUDGE LUSTER

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of June 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
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☒ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-4438 to:

*A. Phillips*  
Deputy Clerk of the Court

674

ORDER FOR PAYMENT OF ATTORNEY FEES: 2

119-F 20/20 P 1501

2084461119

Jun-24-09 11:24am From-JUDGE LUSTER



STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 JUL -1 P 1:17

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

**OFFICE OF THE PROSECUTING ATTORNEY**

127 S. First Avenue  
Sandpoint, ID 83864  
(208) 263-6714  
FAX: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

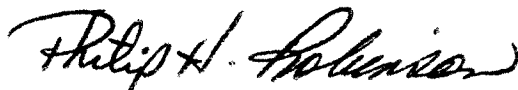
STATE OF IDAHO,	)	
	)	CASE NO.: CR-2007-2454
Plaintiff,	)	
	)	
vs.	)	PLAINTIFF'S RESPONSE TO
	)	DEFENDANT'S SPECIFIC
KEITH BROWN,	)	REQUEST FOR DISCOVERY
	)	
<u>Defendant.</u>	)	

COMES NOW Philip H. Robinson, Chief Deputy Prosecuting Attorney for Bonner  
County and hereby responds to Defendant's Specific Request for Supplemental Discovery filed  
on June 18, 2009, as follows:

Pages N 204 – N406

Copies of documents sent to Northwest Forensics  
for Hand Writing Analysis

DATED this 1<sup>st</sup> day of July, 2009.



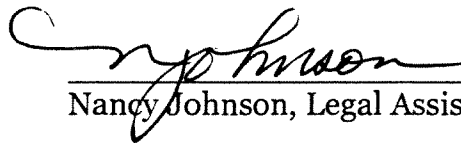
**PHILIP H. ROBINSON,**  
Chief Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of July, 2009, I caused to be served a true and correct copy of the foregoing document as addressed to the following:

Court File - Original

Daniel Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint, ID 83864

A handwritten signature in cursive script, appearing to read "N. Johnson", written over a horizontal line.

Nancy Johnson, Legal Assistant

POWELL & REED, P.C.  
Daniel Sheckler  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

STATE OF IDAHO  
COUNTY OF BONNER  
JUDICIAL DISTRICT

2009 JUL 20 P 4: 37

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

---

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	NOTICE HEARING ON EX PARTE
	)	MOTION FOR INVESTIGATIVE
vs.	)	FUNDS
	)	
Keith Allen Brown,	)	
	)	
Defendant.	)	

---

Notice is hereby given that the Defendant, KEITH ALLEN BROWN, by and through his attorney of record, Daniel K. Sheckler, will call a Hearing on EX PARTE Motion for Investigative Funds before the Honorable John Luster District Court Judge of the above Court, **on the 27<sup>th</sup> day of July, 2009, at the hour of 11:30 a.m.**, or as soon thereafter as it may be heard at the Courthouse in Sandpoint, Idaho, at which time Defendant will provide oral argument and testimony.

DATED this 20 day of July, 2009.



DANIEL SHECKLER  
Attorney at Law

CERTIFICATE OF SERVICE

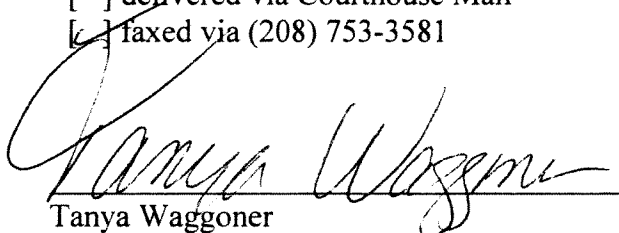
I hereby certify that on the 20 day of July, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid  
☐ hand delivered  
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The Honorable Fred M. Gibler  
Shoshone County Courthouse  
Post Office Box 527  
Wallace, Idaho 83873-0527

☐ mailed, postage prepaid  
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☐ delivered via Courthouse Mail  
☒ faxed via (208) 753-3581

  
Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
JUDICIAL DISTRICT

2009 JUL 22 P 4: 44

MARTIN SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

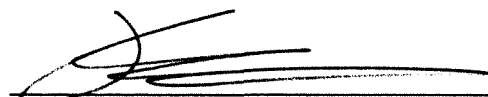
IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order approving attorney fees in this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed concurrently with this motion.

DATED this 22 day of July, 2009.

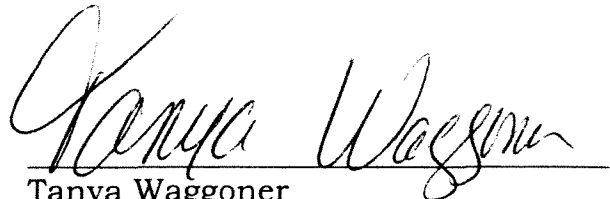
  
DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of July, 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[ ☒ ] delivered via Courthouse Mail to:  
[ ] faxed via 263-6726, to:

  
\_\_\_\_\_  
Tanya Waggoner

*ORIGINAL*

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
JUDICIAL DISTRICT

2009 JUL 22 P 4:43

MALE SCOTT  
CLERK DISTRICT COURT  
DEPUTY


IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order approving attorney fees in this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed concurrently with this motion.

DATED this 27 day of July, 2009.



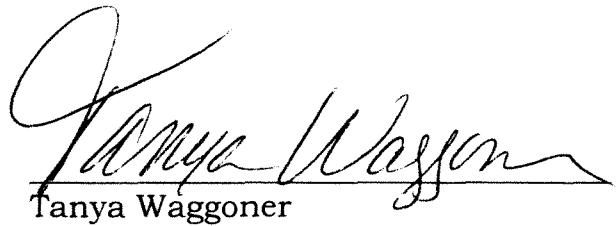
DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of July, 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[ ☒ ] delivered via Courthouse Mail to:  
[ ] faxed via 263-6726, to:

  
Tanya Waggoner



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: JOHN PATRICK LUSTER CASE NO. CR-2007-2454  
REPORTER: ANNE MACMANUS DATE: 07-27-09 TIME: 11:30 A.M.  
CLERK: LINDA OPPELT CD: 09-189  
DIVISION: DISTRICT

STATE OF IDAHO

vs KEITH ALLEN BROWN

\_\_\_\_\_  
Plaintiff / Petitioner

\_\_\_\_\_  
Defendant / Respondent

Atty: LOUIS MARSHALL

Atty: DANIEL SHECKLER

SUBJECT OF PROCEEDINGS

MOTION FOR INVESTIGATIVE FUNDS

**SEALED**  
**HEARING**

☒ ADULT

☐ JUVENILE

STATE OF IDAHO }  
County of Bonner } ss  
FILED 72704  
AT 12:10 O'Clock  
CLERK, DISTRICT COURT  
Deputy

# JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: Luster

CASE NO. CR07 - 2454

Keith  
(SUBJECT'S FIRST NAME)

Allen  
(SUBJECT'S MIDDLE NAME)

Brown  
(SUBJECT'S LAST NAME)

☒ SUBJECT APPEARED IN COURT ON: 27 Jul. 09 AT 11:30 AM

☒ SUBJECT IS TO: ☐ BE OR'D ☒ REMAIN IN CUSTODY  
☐ BE RELEASED BY JUDGES ORDER  
☐ BE RELEASED/TIME SERVED ☐ BOND \$  
☐ BE RELEASED TO PARENT/PTA  
☐ MUST SIGN WAIVER OF EXTRADITION ☐ WORK RELEASE/SEARCH GRANTED  
☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

☐ SENTENCED TO: ☐ \_\_\_\_\_ DAYS IMPOSED ☐ \_\_\_\_\_ HOURS ON SHERIFF'S LABOR PROGRAM.  
☐ \_\_\_\_\_ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**  
☐ \_\_\_\_\_ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**  
☐ \_\_\_\_\_ DAYS CREDIT \_\_\_\_\_, 20\_\_\_\_.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: \_\_\_\_\_ AT \_\_\_\_\_ M  
☐ BREATH OR U/A TEST ORDERED \_\_\_\_\_ X'S WEEKLY ON: \_\_\_\_\_ AT \_\_\_\_\_ M  
☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED \_\_\_\_\_ YEAR(S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN \_\_\_\_\_ AND NOT MORE THAN \_\_\_\_\_  
IN THE IDAHO STATE DEPT. OF CORRECTIONS.  
☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON \_\_\_\_\_ YEARS PROBATION.  
☐ SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 180 DAYS.  
☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE \_\_\_\_\_ DAYS LOCAL JAIL.

CHARGES Motion Hearing

Murder 1

Grd. Theft

Firearm/felon

motion

Granted in part

JUDGE'S ORDER: SUBJECT IS TO Remain In Custody

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

684

BAILIFF

**ORIGINAL**STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2009 JUL 28 P 1:11

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of Two Thousand Seven Hundred Fourteen Dollars and No Cents (\$2,714.00) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of June, 2009 in this case.

DATED this 28 day of July 2009.

Fred M. Gibler  
FRED GIBLER  
District Judge

ORDER FOR PAYMENT OF ATTORNEY FEES: 1

685

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of July 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, ~~postage prepaid~~, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Greer  
Clerk of the Court

**ORIGINAL**

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2009 JUL 28 P 1:10

HARVEY SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of One Thousand Two Hundred Forty-Seven Dollars and Thirty-Two Cents (\$1,247.32) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of May, 2009 in this case.

DATED this 28 day of July 2009.

Fred M. Gibler  
 FRED GIBLER  
 District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of July 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
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☐ faxed via 263-6726 to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linch Apple  
Clerk of the Court

**ORIGINAL**

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

KEITH BROWN,

Defendant.

Case No. CR-2007-2454

ORDER FOR APPROVAL OF  
 INVESTIGATIVE FUNDS

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Approval of Investigative Funds and for good cause now appearing:

IT IS HEREBY ORDERED that Five Thousand Seven Hundred Dollars (\$5,700) in public funds be transferred to line item account number 559-011, entitled "PD Enhancement - Brown," for payment of pretrial costs of this phase of Defense investigation.

DATED this 29<sup>th</sup> day of July, 2009.

DP Luster  
 JOHN LUSTER  
 District Judge

ORDER FOR PAYMENT OF ATTORNEY FEES: 1 689

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 31 day of July 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Appels  
Clerk of the Court



ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
JUDICIAL DISTRICT

2009 AUG 10 P 4: 48

DAVID SCOTT  
JUDICIAL DISTRICT COURT  
CLERK

**DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

v.

KEITH A. BROWN,


Defendant.

NO. CR-2007-2454

MOTION AND ORDER FOR OUT-OF-  
STATE SERVICE OF SUBPOENA

COMES NOW the above named Defendant, by and through his attorney, Daniel Sheckler, and hereby moves the Court for its Order directing out-of-state service of the attached subpoena upon Anthony Ingram, residing in Washington. This motion is made on the grounds that the witness and the testimony he/she will give is material and necessary to the defense of this case.

Respectfully submitted this 10 day of August, 2009.

  
DANIEL SHECKLER  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of August, 2009, a true and correct copy of the

foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864  
FAX 263-6726

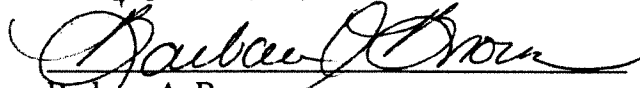
☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed (208) 263-6726

Philip R. Robinson  
Bonner county Deputy Prosecutor  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed (208)263-6726

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
P.O. Box 527  
Wallace, ID 83873-0527

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed (208) 753-3581

  
Barbara A. Brown

**ORIGINAL**

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2009 AUG 11 P 2:49

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

**DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

v.

KEITH A. BROWN,

Defendant.

NO. CR-2007-2454

CERTIFICATE OF AN IDAHO DISTRICT  
COURT TO SECURE THE ATTENDANCE  
OF AN OUT-OF-STATE WITNESS: Anthony  
Ingram

After considering the Motion of the Defendant and the Affidavit of Daniel Sheckler, and  
the Court being otherwise fully advised,

IT IS CERTIFIED as follows:

1. The Bonner County District Court is constitutionally and statutorily a court of  
record in the State of Idaho.
2. In this case, the Defendant is charged with First Degree Murder and Grand  
Theft, felonies under Idaho law that are punishable by up to life in prison.
3. I am the Judge assigned to preside over the hearing scheduled to begin on  
August 19, 2009 at 9:30 AM.

CERTIFICATE OF IDAHO DISTRICT COURT TO SECURE  
THE ATTENDANCE OF OUT-OF-STATE WITNESS: Anthony Ingram - 1

4. Anthony Ingram may be a material witness in this case for the Defendant and necessary for his defense.
5. For the reasons stated in the Affidavit of Daniel Sheckler, the presence of Anthony Ingram is required at the Bonner County Courthouse in Sandpoint, Idaho beginning at 9:30 AM on August 19, 2009.
6. Under the laws of the State of Idaho (Idaho Code 19-3005(3)), if Anthony Ingram comes into this state in obedience of a summons requiring his presence at this trial, he/she will not be subject to arrest or service of any process relating to matters that arose before he entered the state under the summons.
7. This Certificate is made for the express purpose of being presented to a Judge of a Court of record in the State of Washington in support of an order to compel the attendance of Anthony Ingram at the time and place and for the reasons stated above

DATED this 11 day of August, 2009.

  
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the 12 day of August, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864  
FAX 263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed (208) 263-6726

Philip R. Robinson  
Bonner county Deputy Prosecutor  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed (208)263-6726

Daniel Sheckler  
Powell & Reed, PC  
PO Box 1005  
Sandpoint, ID 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed (208) 263-4438

Linda Appels  
Clerk

POWELL & REED, P.C.  
DANIEL SHECKLER  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
DISTRICT COURT  
2009 AUG 12 A 11:38

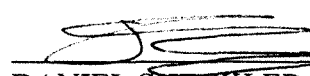
Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	
	)	Case No. CR 2007-02454
Plaintiff,	)	
	)	MOTION TO EXTEND
vs.	)	FRANKS HEARING
	)	
KEITH ALLEN BROWN,	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, the above-named Defendant KEITH BROWN by and through his attorney, DANIEL SHECKLER, and hereby moves to extend the Franks Hearing before the Honorable Fred M. Gibler District Court Judge of the above Court, on the 19<sup>th</sup> day of August, 2009, at the hour of 9:30 a.m. to allow for such testimony from Tony Ingram due to his unavailability to attend said hearing.


DATED this 12 day of August, 2009.

  
DANIEL SHECKLER  
Attorney at Law

NOTICE OF HEARING

Notice is hereby given that the Defendant, KEITH BROWN, by and through his attorney of record, Daniel Sheckler, will call on for hearing the foregoing Motion to Extend Franks Hearing before the Honorable Fred Gibler, District Court Judge of the above Court, on the 19 day of August, 2009, at the hour of 9:30., or as soon thereafter as it may be heard at the Courthouse in Sandpoint, Idaho, at which time Defendant will provide oral argument and testimony.

DATED this 12 day of August, 2009.

  
DANIEL SHECKLER  
Attorney for Defendant

CERTIFICATE OF SERVICE

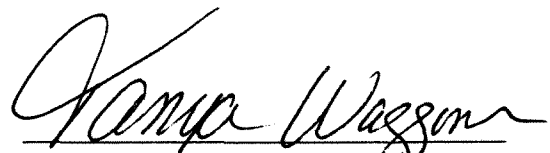
I hereby certify that on the 12 day of August, 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☐ faxed via 208 263-6726, to:

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
P.O. Box 527  
Wallace, ID 83873-0527

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via (208) 753-3581, to:

  
Tanya Waggoner

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
2009 AUG 12 A 11:38


CLERK OF DISTRICT COURT  
SCOTT  
CLERK

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	MOTION TO ALLOW WITNESS TO
	)	APPEAR TELEPHONICALLY
vs.	)	
	)	
KEITH ALLEN BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant, by and through his attorney,  
DANIEL SHECKLER, and hereby moves this Court for its Order allowing  
Deputy Tony Ingram to appear telephonically at the hearing scheduled for  
August 19, 2009, at 9:30 a.m., Pacific Standard Time. The grounds for the  
aforesaid Motion are that he has been order to leave the area by the military.

DATED this 12 day of August, 2009.

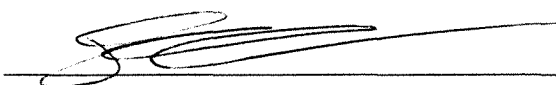
  
DANIEL SHECKLER  
Attorney at Law



### NOTICE OF HEARING

Notice is hereby given that the Defendant, KEITH BROWN, by and through his attorney of record, Daniel Sheckler, will call on for hearing the foregoing Motion to Allow Witness to Appear Telephonically before the Honorable Fred Gibler, District Court Judge of the above Court, **on the 19 day of August, 2009, at the hour of 9:30**., or as soon thereafter as it may be heard at the Courthouse in Sandpoint, Idaho, at which time Defendant will provide oral argument and testimony.

DATED this 19 day of August, 2009.

  
DANIEL SHECKLER  
Attorney for Defendant

### CERTIFICATE OF SERVICE

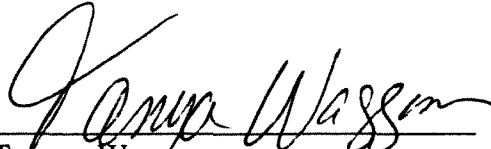
I hereby certify that on the 19 day of August, 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[ ☒ ] delivered via Courthouse Mail  
to:  
[ ] faxed via 208 263-6726, to:

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
P.O. Box 527  
Wallace, ID 83873-0527

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[ ] delivered via Courthouse Mail  
to:  
[ ☒ ] faxed via (208) 753-3581, to:

  
Tanya Waggoner

Bonner County Sheriff's Office  
4001 N. Boyer Ave.  
Sandpoint, ID 83864

Process Number: C09-01403

Court Number: CR07-2454

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify  
that I received the within and foregoing Subpoena Duces Tecum-Criminal on 10th  
day of August, 2009, and that I served the same on:

John Marcel Valdez  
398 Campbell Pt Rd; PO Box 249  
Laclede, ID 83841

(Witness )

Served on: 11th day of August, 2009 at 15:30:00 by Peasha, J  
Witness Disposition: PER Personal Service  
Served to: John Valdez  
Sheriff's Office  
Sandpoint, ID 83864

Returned on the 12th day of August, 2009

Dated the 13th day of August, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff  
Bonner County Sheriff's Office, IDAHO

BY: Peasha Moore  
Authorized Representative  
Civil Division

My commission expires:

\_\_\_\_\_  
Notary Public

State of IDAHO  
Bonner County Sheriff's Office  
Civil Division  
4001 N. Boyer Ave.  
Sandpoint, ID 83864

STATE OF IDAHO  
COUNTY OF BONNER  
DISTRICT COURT

Defendant                      Disposition:  
Keith Allen Brown                      2009 AUG 14 A 9:30  
106 Brannegan Ct #F                      Bozeman, MT 59715

Witness                      Disposition: PER Personal Service  
Phillip Andrew Ciammaichella                      HANNE SCOTT  
172 Lodgepole Ln                      Oldtown, ID 83822                      DISTRICT COURT  
Served on: 11th day of August, 2009                      by Peasha, J  
Served to: Phil Ciammaichella                      ()  
36101 HWY 41 (work)                      Oldtown, ID 83822

Plaintiff                      Disposition:  
State of Idaho

Process Number: C09-01401

Court Number: CR07-2454

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 10th day of August, 2009.

Dated the 12th day of August, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff  
Bonner County Sheriff's Office, IDAHO  
BY: Peasha Moore  
Authorized Representative  
Civil Division

Comments

State of IDAHO  
Bonner County Sheriff's Office  
Civil Division  
4001 N. Boyer Ave.  
Sandpoint, ID 83864

STATE OF IDAHO  
COUNTY OF BONNER  
DISTRICT COURT

2009 AUG 14 A 9:30

Defendant Disposition:

Keith Allen Brown  
106 Brannegan Ct #F Bozeman, MT 59715

MARI SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Witness Disposition: SRT Served, Returned

Christopher Scott Bell  
318 Warren Avenue; PO Box Priest River, ID 83856  
Served on: 11th day of August, 2009 by Peasha, J  
Served to: Mail box of Chris Bell  
Sub Station Priest River, ID 83856

Plaintiff Disposition:  
State of Idaho

Process Number: C09-01402

Court Number: CR07-2454

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 10th day of August, 2009.

Dated the 12th day of August, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff  
Bonner County Sheriff's Office, IDAHO

BY: *Kiana Moore*  
Authorized Representative  
Civil Division

Comments

ORIGINAL

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

KEITH BROWN,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No.: C~~R~~2007-2454

AFFIDAVIT OF SERVICE

2009 AUG 18 P 4:49

SCOTT  
DISTRICT COURT  
BONNER COUNTY

I, Zanthi Moe, being first duly sworn, depose and say that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

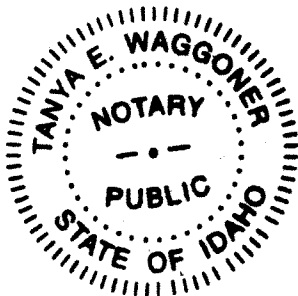
That on the 13 day of August, 2009, I served SALLY MITCHELL with a true and correct copy of the Subpoena.

Said service was completed at the Driver's License Office, 215 S.First, Sandpoint, Idaho 83864.

Dated this 18 day of August, 2009.

Zanthi M. Moe  
Zanthi Moe

Subscribed and Sworn to before me this 18 day of August, 2009.



Tanya E. Waggoner  
Notary Public for the State of Idaho  
Residing at Sandpoint ID  
Comm. Exp.: April 14, 2014

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
2009 AUG 18 P 4:40  
CLERK OF DISTRICT COURT

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

---

STATE OF IDAHO,	)	
	)	Case No. CR-2007-2454
Plaintiff,	)	
	)	SUBPOENA
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

---

TO: Sally Mitchell  
Records Clerk  
Bonner County Sheriff's Department  
4001 N. Boyer  
Sandpoint, Idaho 83864

YOU ARE HEREBY COMMANDED that laying aside all excuses, you appear in the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, in Sandpoint, Idaho, on **August 19, 2009, at 9:30 a.m.** as a witness in the above entitled matter on the part of the Defendant.

YOU ARE FURTHER NOTIFIED that if you fail to appear at the place and time specified above you may be held in contempt of court and that the

aggrieved party may recover from you the sum of \$100.00 and all damages which the party may sustain by your failure to comply with this subpoena.

GIVEN UNDER MY HAND THIS 12<sup>th</sup> DAY OF August 2009.

CLERK OF THE DISTRICT COURT

BY: JW

Deputy Clerk



From: BONNER COUNTY PROSECUTOR

12082636726

08/18/2009 17:25

#278 P.001/001

08/18/2009 14:46 2082634438

POWELL & REED

PAGE 02/04

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

2009 AUG 19 A 9:38

CLERK OF DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.


KEITH ALLEN BROWN,

Defendant.

Case No. CR-2007-02454

STIPULATION TO CONTINUE THE  
FRANKS HEARING

COMES NOW the above-named Defendant, by and through his attorney,  
DANIEL SHECKLER, and LOUIS E. MARSHALL, Bonner County Prosecuting Attorney,  
and hereby stipulate and agree that the Motion to Continue the Franks Hearing  
heretofore filed on behalf of the Defendant in the above-entitled case be granted and  
the appropriate Order be entered.

  
LOUIS E. MARSHALL  
Prosecuting Attorney

Date: 8/18/09

  
DANIEL SHECKLER  
Attorney for Defendant

Date: \_\_\_\_\_

STIPULATION TO CONTINUE THE FRANKS HEARING: 1



ORIGINAL

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

KEITH BROWN,

Defendant.

Case No.: CR2007-2454

AFFIDAVIT OF SERVICE

2009 AUG 18 P 4:49

I, Zanthi Moe, being first duly sworn, depose and say that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

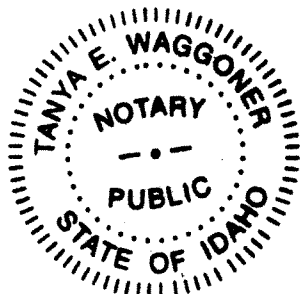
That on the 13 day of August, 2009, I served SALLY MITCHELL with a true and correct copy of the Subpoena.

Said service was completed at the Driver's License Office, 215 S.First, Sandpoint, Idaho 83864.

Dated this 18 day of August, 2009.

Zanthi M. Moe  
Zanthi Moe

Subscribed and Sworn to before me this 18 day of August, 2009.



Tanya E. Waggoner  
Notary Public for the State of Idaho  
Residing at Sandpoint ID  
Comm. Exp.: April 14, 2014

AUG. 19. 2009 1:40PM

JUDGE GIBLER

NO. 727 P. 1

08/19/2009 08:27 2082634438

POWELL & REED

PAGE 02/1

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

2009 AUG 19 P 2:36

MARIE BOOTH  
CLERK DISTRICT COURT

DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-02454
	)	
Plaintiff,	)	ORDER CONTINUING THE FRANKS
	)	HEARING
vs.	)	
	)	
KEITH ALLEN BROWN,	)	
	)	
Defendant.	)	

This matter having come before this Court upon the parties' Stipulation, and good cause appearing therefore, now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Franks Hearing in the above-entitled matter currently scheduled for August 19, 2009, is hereby vacated. The matter shall be rescheduled at such date and time determined by the Court.

DATED this 19 day of August, 2009.

  
JUDGE

## CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of August, 2009, a true and correct copy of the foregoing was:

Louis Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S. First Avenue  
Sandpoint, Idaho 83864  
FAX 208-263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed

Daniel Sheckler  
Powell & Reed, PC  
PO Box 1005  
Sandpoint, ID 83864  
FAX 263-4438

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed

*Linda Appelt*  
Tanya Waggoner *Linda Appelt*

08/26/2009 13:16 2082634438

POWELL &amp; REED

PAGE 02/05

**ORIGINAL**

DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, ID 83864  
 Telephone: (208) 263-3529  
 Facsimile: (208) 263-4438  
 ISBN: 7773

2009 AUG 27 P 3:18

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

KEITH BROWN,

Defendant.

Case No. CR-2007-2454

STIPULATION AND MOTION FOR  
 TAKING DEPOSITION OF DEPUTY  
 TONY INGRAM

COMES NOW, the above-named Defendant, by and through his attorney, Daniel

Sheckler, and Louis Marshall, Prosecuting Attorney, hereby stipulate for An Order allowing the

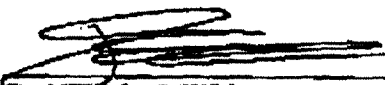
Defendant, by and through his Attorney, Daniel Sheckler, to take the Deposition of Deputy Tony

Ingram. The Deposition will take place at The Bonner County Prosecuting Attorney's Office,

127 S. First Avenue, Sandpoint, ID 83864

  
 LOUIS MARSHALL

Bonner County Prosecuting Attorney

Dated this 27 day of August, 2009
  
 DANIEL SHECKLER

Attorney at Law

Dated this 26 day of August, 2009

08/26/2009 13:16 2082634438

POWELL &amp; REED

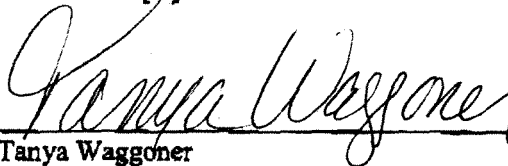
PAGE 03/05

## CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of August, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed

  
Tanya Waggoner

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
2009 SEP -2 P 3:52  
J. SCOTT  
DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

---

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	SUBPOENA FOR DEPOSITION
	)	
vs.	)	
	)	
Keith Allen Brown,	)	
	)	
Defendant.	)	

---

THE STATE OF IDAHO TO: **TONY INGRAM**

YOU ARE HEREBY COMMANDED that laying aside all excuses, you appear at the Bonner County Prosecuting Attorney's Office, 127 S. First, Sandpoint, Idaho 83864, on **4<sup>th</sup> day of September, 2009, at the hour of 2:30 p.m.** to attend your deposition.

You are further notified that if you fail to appear at the place and time specified above, you may be held in contempt of court and that the aggrieved party may recover from you the sum of \$100.00 and all damages which the party may sustain by your failure to attend as a witness.

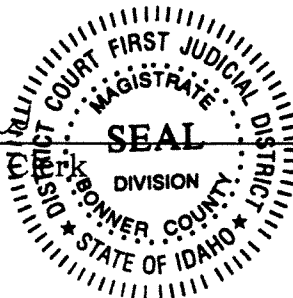
DATED this 26<sup>th</sup> day of August, 2009.

By order of the Court.

Clerk of the Court

By: \_\_\_\_\_

Deputy Clerk



ORIGINAL

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF IDAHO  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER  
FIRST JUDICIAL DIST.

STATE OF IDAHO,

Plaintiff,

vs.

KEITH BROWN,

Defendant.

Case No.: <sup>CR</sup> CV 2007-2454

AFFIDAVIT OF SERVICE

2009 SEP -2 P 3:51

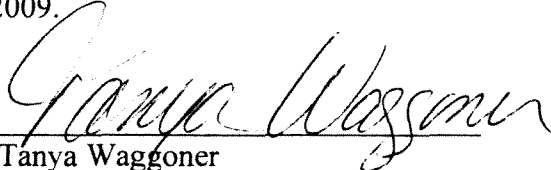
MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

I, Tanya Waggoner, being first duly sworn, depose and say that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

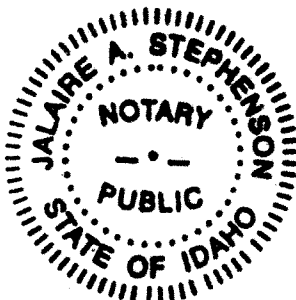
That on the 27th day of August, 2009, I served Anthony Ingram with a true and correct copy of the Subpoena.

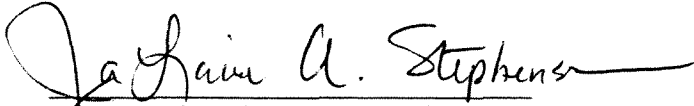
Said service was completed at the Idaho Border, corner of State Hwy 41 and Hwy 2, Oldtown, Idaho 83822 .

Dated this 2 day of September, 2009.

  
Tanya Waggoner

Subscribed and Sworn to before me this 2 day of September, 2009.



  
Notary Public for the State of Idaho  
Residing at Prust River  
Comm. Exp.: 3.8.10



ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
JUDICIAL DISTRICT

2009 SEP -2 P 1:27

DAVID SCOTT  
JUDICIAL DISTRICT COURT  
DEPUTY

**OFFICE OF THE PROSECUTING ATTORNEY**

127 S. First Avenue  
SANDPOINT, ID 83864  
(208) 263-6714  
FAX: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,	)	
	)	<b>CASE NO.: CR-2007-2454</b>
	)	
Plaintiff,	)	
	)	
vs.	)	<b>PLAINTIFF'S SUPPLEMENTAL</b>
	)	<b>RESPONSE TO REQUEST FOR</b>
	)	<b>DISCOVERY</b>
KEITH ALLAN BROWN,	)	
	)	
<u>Defendant.</u>	)	

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following supplemental response to discovery:

**Additional Witness:** Caleb Lamp/Harding

**Correspondence Box "C"** Written correspondence to and from Keith from February 2009 through August 2009, contained in "Correspondence Box "C" and are available for inspection and copying at the Office of the Bonner County Prosecuting Attorney.

If you have not received any of the foregoing copies, please contact this office immediately.

Pursuant to Idaho Criminal Rule 16, the Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph books, paper, documents, photographs, tangible objects, building or places or copies or portions thereof, which are mentioned or listed in the above-listed documents and which are in the possession, custody or

**PLAINTIFF'S SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY - 1**

control of the Prosecuting Attorney and which are material to the preparation of the defense, or intended for use by the Prosecutor as evidence at trial, or obtained from or belonging to the Defendant.

The Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are mentioned or listed in the above-listed documents and which are within the possession, custody or control of the Prosecuting Attorney, the existence of which is known or is available to the Prosecuting Attorney by the exercise of due diligence.

DATED this 2nd day of September, 2009.



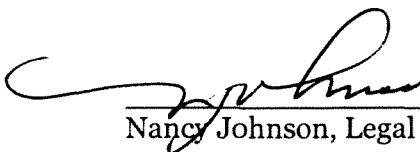
**PHILIP H. ROBINSON**  
Chief Deputy Prosecuting Attorney

#### **CERTIFICATE OF MAILING**

I hereby certify that on the 2<sup>nd</sup> day of September, 2009, I caused to be served a true and correct copy of the foregoing document as addressed to the following:

Court File - Original

Daniel Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint, ID 83864



Nancy Johnson, Legal Assistant

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

2009 SEP 11 P 3:07

CLERK OF DISTRICT COURT

Attorney for Defendant


IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order approving attorney fees in this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed concurrently with this motion.

DATED this 10 day of September, 2009.

  
DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of September 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[ ☒ ] delivered via Courthouse Mail to:  
[ ] faxed via 263-6726, to:

  
\_\_\_\_\_  
Tanya Waggoner

**ORIGINAL**

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2009 SEP 15 P 2:53

MARIE SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of Eight Hundred Twenty-Five Dollars and Forty-Six Cents (\$825.46) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of July and August, 2009 in this case.

DATED this 15 day of September 2009.

Fred M. Gibler  
 FRED GIBLER  
 District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of September 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Apples  
Clerk of the Court

CC: Public Defender

720

ORIGINAL

POWELL & REED, P.C.  
Daniel Sheckler  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

2009 SEP 21 P 4: 24

40

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

---

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	NOTICE OF FRANKS HEARING
	)	
vs.	)	
	)	
Keith Allen Brown,	)	
	)	
Defendant.	)	

---

Notice is hereby given that the Defendant, KEITH ALLEN BROWN, by and through his attorney of record, Daniel K. Sheckler, will call a Franks Hearing before the Honorable Fred M. Gibler District Court Judge of the above Court, **on the 13<sup>th</sup> day of November, 2009, at the hour of 9:30 a.m.**, or as soon thereafter as it may be heard at the Courthouse in Sandpoint, Idaho, at which time Defendant will provide oral argument and testimony.

DATED this 21 day of September, 2009.



DANIEL SHECKLER  
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of September, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 263-6726

Philip R. Robinson  
Bonner County Deputy Prosecutor  
127 S First  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 263-6726

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
Post Office Box 527  
Wallace, Idaho 83873-0527

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 753-3581

  
\_\_\_\_\_  
Tanya Waggoner



ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 OCT 14 P 4:36

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant


IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order approving attorney fees in this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed concurrently with this motion.

DATED this 13 day of October, 2009.

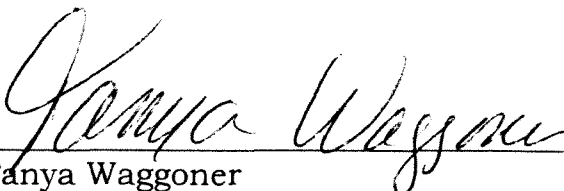
  
DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of October 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

[ ] mailed, postage prepaid, to:  
[ ] hand delivered to:  
[ ☒ ] delivered via Courthouse Mail to:  
[ ] faxed via 263-6726, to:

  
\_\_\_\_\_  
Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 OCT-14 P 4: 36

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant


IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	MOTION FOR SUBPOENA
	)	
vs.	)	
	)	
KEITH ALLEN BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant, by and through his attorney, DANIEL SHECKLER, and pursuant to ICR 17(a) hereby moves this Court for a subpoena requiring the attendance of Special Agent Kevin Dunton at the *Franks'* hearing dated November 13, 2009.

The grounds for the aforesaid motion are that Kevin Dunton is a material witness for the hearing and his presence is necessary. Kevin Dunton is an agent for the Federal Bureau of Investigation, and at least one federal circuit has held that a mere subpoena issued by a clerk is insufficient to compel the attendance of a federal agent and instead a court order is necessary.

DATED this 14 day of October, 2009.

  
DANIEL SHECKLER  
Attorney at Law

**ORIGINAL**

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2009 OCT 20 A 10:51

MARIE SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of Four Hundred Twenty-One Dollars and Twenty-Five Cents (\$421.25) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of October, 2009 in this case.

DATED this 20 day of October 2009.

Fred M. Gibler  
 FRED GIBLER  
 District Judge

ORDER FOR PAYMENT OF ATTORNEY FEES: 1

726

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of October 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

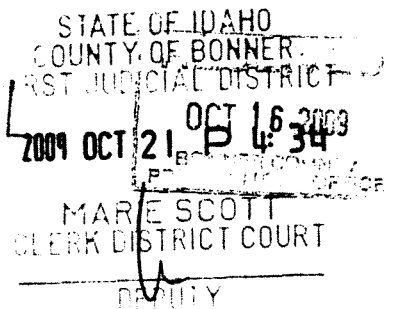
☒ mailed, ~~postage prepaid~~, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Appel  
Clerk of the Court

DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, ID 83864  
 Telephone: (208) 263-3529  
 Facsimile: (208) 263-4438  
 ISBN: 7773

Attorney for Defendant

ORIGINAL



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	<b>STIPULATION AND MOTION FOR</b>
	)	<b>DEFENSE TESTING</b>
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named defendant, by and through his attorney of record Daniel K. Sheckler, and Louis Marshall, Bonner County Prosecuting Attorney, and pursuant to ICR Rule 16(b)(4) hereby stipulate and move this Court for its order permitting defense inspection of all .22 caliber ~~firearms~~ firearms stored as evidence in this case.

The parties agree that the inspection will be conducted by Glen Balison, the firearms expert retained by the Defendant, at the Bonner County Sheriff's office evidence locker. The testing will be videotaped. The State's firearms expert may be present and observe the Defense expert's handling of the weapon and testing.


The Defense expert may handle or test each firearm in the following manner: he shall wear latex gloves; he may open and close the action, depress the trigger, depress or move the firing hammer, and move or operate the release mechanism. Any such touch or movement shall be to inspect the normal moving parts of the firearm, and the firearm shall not be disassembled,

modified, or adjusted. No chemicals, agents, or substances may be applied to any firearm or any of the firearm's parts.

Dated this 16 day of October 2009

Dated this 15 day of October, 2009

  
LOUIS MARSHALL  
Bonner County Prosecuting Attorney

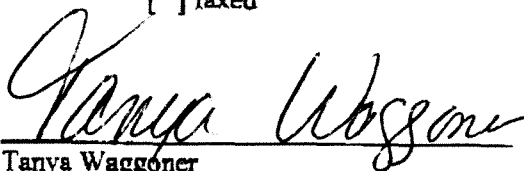
  
DANIEL SHECKLER  
Attorney at Law

#### CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of October, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S First  
Sandpoint, ID 83864  
FAX 263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed

  
Tanya Waggoner

From:

10/20/2009 12:04

#854 P.004/005

10/16/2009 09:08 2082534438

POWELL  
STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

PAGE 04/05

**ORIGINAL**

2009 OCT 26 P 4:22

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY  
OCT 16 2009

DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

KEITH BROWN,

Defendant.

Case No. CR-2007-2454

**ORDER FOR DEFENSE TESTING**

This matter having come before this Court upon the Stipulated Motion of the Defendant, by and through his attorney, Daniel Sheckler, and Louis Marshall, Prosecuting Attorney, and for good cause now appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the inspection of all .22 caliber ~~gunpowder~~ firearms stored as evidence in this case will be conducted by Glen Balison, the firearms expert retained by the Defendant, at the Bonner County Sheriff's office evidence locker. The testing will be videotaped. The State's firearms expert may be present and observe the Defense expert's handling of the weapon and testing.

The Defense expert may handle or test each firearm in the following manner: he shall wear latex gloves; he may open and close the action, depress the trigger, depress or move the firing hammer, and move or operate the release mechanism. Any such touch or movement shall

ORDER FOR DEFENSE TESTING: 1



OCT. 26. 2009 2:40PM

JUDGE GIBLER

NO. 390 P. 3

From:

10/16/2009 09:08 2082634438

10/20/2009 12:04

1854 P.005/005

POWELL & REED

PAGE 05/05

be to inspect the normal moving parts of the firearm, and the firearm shall not be disassembled, modified, or adjusted. No chemicals, agents, or substances may be applied to any firearm or any of the firearm's parts.

DATED this 22 day of October 2009.

Fred M. Gibler  
Judge

#### CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of October 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheokler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Apple  
Clerk of the Court

ORDER FOR DEFENSE TESTING: 2

0/14/2009 10:25

2082634438

POWELL &amp; REED

PAGE 02/0

**ORIGINAL**STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DISTRICT

2009 OCT 28 P 4:40

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	
	)	Case No. CR-2007-2454
Plaintiff,	)	
	)	SUBPOENA
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

TO: Kevin Dunton  
Federal Bureau of Investigation  
250 Northwest Blvd., Ste. 200  
Coeur d'Alene, ID 83814

YOU ARE HEREBY COMMANDED that laying aside all excuses, you appear in the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, in Sandpoint, Idaho, on **November 13, 2009, at 9:30 a.m.** as a witness in the above entitled matter on the part of the Defendant, unless otherwise released from this subpoena in writing by the attorney for the Defendant.

YOU ARE FURTHER NOTIFIED that if you fail to appear at the place and time specified above you may be held in contempt of court and that the

10/14/2009 10:25

2082634438

2082634438 - Judge Gibler Page 3

POWELL & REED

PAGE 03/0

aggrieved party may recover from you the sum of \$100.00 and all damages  
which the party may sustain by your failure to comply with this subpoena.

GIVEN UNDER MY HAND THIS 20 DAY OF October  
2009.

BY: Fred M Gibler  
Judge

ORIGINAL

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER  
MAGISTRATE DIVISION

2009 OCT 29 P 4: 32

STATE OF IDAHO, )

Plaintiff, )

vs. )

KEITH BROWN, )

Defendant. )

Case No.: <sup>CK</sup> 2007-2454

AFFIDAVIT OF SERVICE

CLERK OF DISTRICT COURT  
BONNER COUNTY, IDAHO

I, Zanthi Moe, being first duly sworn, depose and say that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

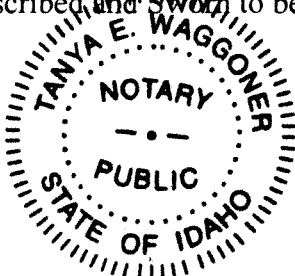
That on the 27th day of October, 2009, I served KEVIN DUNTON with a true and correct copy of the Subpoena and Affidavit of Daniel Sheckler in Support of Subpoena for Special Agent Dunton.

Said service was completed at the Federal Bureau of Investigation, 250 Northwest Blvd., Ste. 200, Coeur d'Alene, Idaho 83814.

Dated this 28 day of October, 2009.

Zanthi Moe  
Zanthi Moe

Subscribed and sworn to before me this 28 day of October, 2009.



Tanya E. Waggoner  
Notary Public for the State of Idaho  
Residing at Sandpoint, ID  
Comm. Exp.: April 14, 2014

ORIGINAL

POWELL & REED, P.C.  
Daniel Sheckler  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

STATE OF IDAHO  
COUNTY OF BONNER  
1ST JUDICIAL DISTRICT

2009 NOV -2 P 4: 36

MARIE SCOTT  
CLERK DISTRICT COURT  
RECEIVED

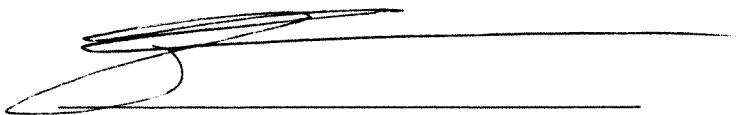
Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	NOTICE OF HEARING ON MOTION
	)	TO SUPPRESS EVIDENCE
vs.	)	
	)	
Keith Allen Brown,	)	
	)	
Defendant.	)	

Notice is hereby given that the Defendant, KEITH ALLEN BROWN, by and through his attorney of record, Daniel K. Sheckler, will call a Hearing on Motion to Suppress Evidence Obtained from Search Warrant Issued February 6, 2007 before the Honorable Fred M. Gibler District Court Judge of the above Court, **on the 13<sup>th</sup> day of November, 2009, at the hour of 9:30 a.m.**, or as soon thereafter as it may be heard at the Courthouse in Sandpoint, Idaho, at which time Defendant will provide oral argument and testimony.

DATED this 2 day of November, 2009.

  
DANIEL SHECKLER  
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that on the 2 day of November, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864

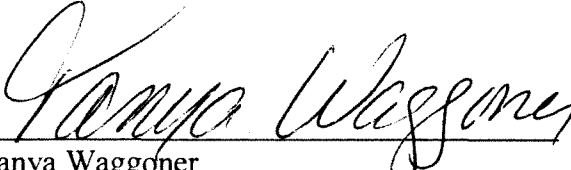
☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed via (208) 263-6726

Philip R. Robinson  
Bonner County Deputy Prosecutor  
127 S First  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed via (208) 263-6726

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
Post Office Box 527  
Wallace, Idaho 83873-0527

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed via (208) 753-3581

  
Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
DISTRICT COURT  
2009 NOV -3 P 4:34  
MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

---


STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

---

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order approving attorney fees in this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed concurrently with this motion.

DATED this 3 day of November, 2009.

  
DANIEL SHECKLER  
Attorney at Law

EX PARTE MOTION TO ALLOW  
PAYMENT OF ATTORNEY FEES: 1

737

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of November 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

- ☐ mailed, postage prepaid, to:
- ☐ hand delivered to:
- ☐ delivered via Courthouse Mail to:
- ☐ faxed via \_\_\_\_\_, to:

---

Tanya Waggoner



ORIGINAL

POWELL & REED, P.C.  
Daniel Sheckler  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISBN: 7773

STATE OF IDAHO  
COUNTY OF BONNER  
DISTRICT COURT

2009 NOV -4 P 4: 33

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER


---

STATE OF IDAHO,	)	Case No. CR-07-02454
	)	
Plaintiff,	)	NOTICE OF HEARING
	)	
vs.	)	
	)	
Keith Allen Brown,	)	
	)	
Defendant.	)	

---

Notice is hereby given that the Defendant, KEITH ALLEN BROWN, by and through his attorney of record, Daniel K. Sheckler, will call a Hearing on Motion to Suppress Evidence for Lack of Probable Cause in CR-07-621 before the Honorable Fred M. Gibler District Court Judge of the above Court, **on the 13<sup>h</sup> day of November, 2009, at the hour of 9:30 a.m.**, or as soon thereafter as it may be heard at the Courthouse in Sandpoint, Idaho, at which time Defendant will provide oral argument and testimony.

DATED this 4 day of November, 2009.

  
DANIEL SHECKLER  
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that on the 4 day of November, 2009, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864

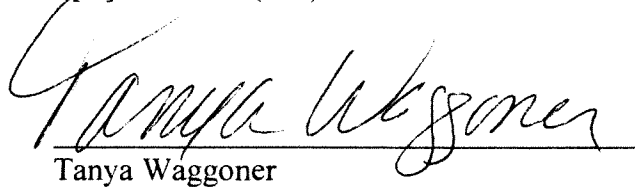
[ ] mailed, postage prepaid  
[ ] hand delivered  
[ ☒ ] delivered via Courthouse Mail  
[ ] faxed via (208) 263-6726

Philip R. Robinson  
Bonner County Deputy Prosecutor  
127 S First  
Sandpoint, Idaho 83864

[ ] mailed, postage prepaid  
[ ] hand delivered  
[ ☒ ] delivered via Courthouse Mail  
[ ] faxed via (208) 263-6726

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
Post Office Box 527  
Wallace, Idaho 83873-0527

[ ] mailed, postage prepaid  
[ ] hand delivered  
[ ] delivered via Courthouse Mail  
[ ☒ ] faxed via (208) 753-3581

  
Tanya Waggoner

State of IDAHO  
Bonner County Sheriff's Office  
Civil Division  
4001 N. Boyer Ave.  
Sandpoint, ID 83864

STATE OF IDAHO  
COUNTY OF BONNER  
1ST JUDICIAL DISTRICT

2009 NOV -4 A 9 01

Defendant

Disposition:

Keith Allen Brown  
106 Brannegan Ct #F

Bozeman, MT 59715

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Witness

Disposition: PER Personal Service

Christopher Scott Bell  
318 Warren Avenue; PO Box Priest River, ID 83856  
Served on: 2nd day of November, 2009 by Reynolds, T  
Served to: Chris Bell  
Priest River Sub Station Priest River, ID 83856

Plaintiff

Disposition:

State of Idaho

Process Number: C09-01897

Court Number: CR07-2454

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 2nd day of November, 2009.

Dated the 3rd day of November, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff  
Bonner County Sheriff's Office, IDAHO  
BY: *Karla Moore*  
Authorized Representative  
Civil Division

Comments

**ORIGINAL**

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2009 NOV -5 A 10:24

MAINE SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of One Thousand Two Hundred Forty-Six Dollars and Seventy-One Cents (\$1,246.71) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of November, 2009 in this case.

DATED this 5<sup>th</sup> day of November 2009.

Fred M Gibler  
 FRED GIBLER  
 District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 5 day of November 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Appel  
Clerk of the Court

CC: Banner County Prosecutor 3-19-10 y. Appel

ORDER FOR PAYMENT OF ATTORNEY FEES: 2

743

State of IDAHO  
Bonner County Sheriff's Office  
Civil Division  
4001 N. Boyer Ave.  
Sandpoint, ID 83864

STATE OF IDAHO  
COUNTY OF BONNER  
JUDICIAL DISTRICT

2009 NOV -5 A 9:15

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Defendant                      Disposition:  
Keith Allen Brown  
106 Brannegan Ct #F              Bozeman, MT 59715

Witness                      Disposition: PER Personal Service  
Phillip Andrew Ciammaichella  
172 Lodgepole Ln              Oldtown, ID 83822  
Served on: 3rd day of November, 2009              by Peasha, J  
Served to: Phillip Ciammaichella              ()  
36323 HWY 41              Oldtown, ID 83822

Plaintiff                      Disposition:  
State of Idaho

Process Number: C09-01898

Court Number: CR07-2454

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 2nd day of November, 2009.

Dated the 4th day of November, 2009

Fees:

Service:	0.00
Mileage:	0.00
Other :	0.00
Total :	0.00

Daryl D Wheeler, Sheriff  
Bonner County Sheriff's Office, IDAHO  
BY: *Lana Moore*  
Authorized Representative  
Civil Division

Comments

STATE OF IDAHO  
COUNTY OF BONNER  
JUDICIAL DISTRICT

2009 NOV -5 A 9:15

MARIE SCOTT  
CLERK DISTRICT COURT

PROPERTY

service

Court Number: CR07-2454

asha, J

( )

83864

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: FRED M. GIBLER  
REPORTER: BYRL CINNAMON  
CLERK: LINDA OPPELT  
DIVISION: DISTRICT

CASE NO. CR-2007-2454  
DATE: 11-13-09  
CD: 09-273

TIME: 9:30 A.M.

STATE OF IDAHO

vs KEITH ALLEN BROWN

Plaintiff / Petitioner

Defendant / Respondent

Atty: LOUIS MARSHALL/PHILIP ROBINSON

Atty: DANIEL K SHECKLER

**SUBJECT OF PROCEEDINGS**

-MOTION TO SUPPRESS EVIDENCE OBTAINED FROM SEARCH  
WARRANT ISSUED FEBRUARY 6, 2007  
-MOTION TO SUPPRESS EVIDENCE FOR LACK OF PROBABLE  
CAUSE IN CR-2007-621  
-FRANKS HEARING

INDEX	SPEAKER	PHASE OF CASE
9:36	J	<b>Calls Case</b>
		<b>Present:</b> DEFENDANT PRESENT IN CUSTODY WITH DANIEL SHECKLER, LOUIS MARSHALL & PHILIP ROBINSON
	J	TALKED BRIEFLY WITH COUNSEL. THERE ARE STIPULATIONS REGARDING FRANKS HEARING FOR ARREST WARRANT VERSUS SEARCH WARRANT.
	DS	CORRECT FRANKS HEARING IS FOR ARREST WARRANT ONLY
	PR	CORRECT
	CLERK	KEVIN DENTON SWORN.
	DS	DIRECT.
	KD	KEVIN DENTON. SPECIAL AGENT FOR FBI FOR 13 YEARS. CITES TRAINING. CITES EDUCATION. CITES DUTIES AS AN AGENT.
9:40		CONTACTED FEBRUARY OR MARCH OF 2007 BY THE PROSECUTORS OFFICE REGARDING KEITH BROWN AND A MURDER INVESTIGATION. DIDN'T KNOW WARRANT WAS ISSUED FOR MURDER ONLY WARRANT FOR GRAND THEFT. GRAND THEFT WAS FOR POSSESSION OF STOLEN PROPERTY. DIDN'T KNOW WHAT PROPERTY. WE WOULD GET INVOLVED WITH A FUGITIVE WARRANT IF IT RELATED TO A VIOLENT CRIME.
		DEFENDANT WAS A PERSON OF INTEREST. OUR WARRANT WAS ISSUED FEBRUARY 21 <sup>ST</sup> .
		DIDN'T KNOW THAT DEFENDANT HAD AUTHORIZATION TO USE TRANSACTION CARD.
9:46		DEFENDANT LEFT IDAHO AND THERE WERE SIGHTINGS OF DEFENDANT AND TYRAH IN MONTANA. SOUGHT UNLAWFUL FLIGHT WARRANT
	DS	WILL PRESENT A DOCUMENT.
	KD	CRIMINAL COMPLAINT. FACTS USED TO OBTAIN WARRANT. TRUE AND CORRECT COPY.
	DS	MOVER TO ADMIT EXHIBIT A
	PR	NO OBJECTION.
	J	<b>ADMIT EXHIBIT A</b>
	KD	WARRANT
	DS	MOVE TO ADMIT EXHIBIT B
	PR	NO OBJECTION.



	J	<b>ADMIT EXHIBIT B</b>
	KD	AFTER WARRANT ISSUED WE ARRESTED MR. BROWN ON MARCH 20, 2007.
9:53	DS	NOTHING FURTHER.
	PR	CROSS
	KD	FBI HELPS LOCAL AUTHORITIES.
		MR. AND MRS. BROWN WERE EXTRADITED.
9:57	DS	RE-DIRECT
	KD	BASED ACTIONS ON STATES WARRANTS.
	J	CAN THIS WITNESS BE EXCUSED?
	DS PR	YES
	J	YOU ARE EXCUSED.
	CLERK	PHILLIP CIAMMAICHELLA SWORN
	DS	EXCLUDE OTHER OFFICERS
	J	HAVE TO EXCLUDE ALL WITNESSES.
	DS	NEVER MIND.
	DS	DIRECT
	PC	WORKED FOR 10 YEARS FOR BONNER COUNTY SHERIFF'S OFFICE. POST CERTIFIED. ON FEBRUARY 6, 2007 RESPONDED TO AN ABANDONED VEHICLE IN COOLIN. DID THE INVENTORY. CITES ITEMS FROM LESLIE BREAW VEHICLE. I CALLED SERGEANT BELL AND DETECTIVE INGRAM. I WAS CONCERNED THE PERSON WAS MISSING. I WAS CONCERNED ABOUT THE PERSON'S WELL BEING. I WENT TO THE COOLIN POST OFFICE TO OBTAIN MR. BREAW'S PHYSICAL ADDRESS. I ATTEMPTED TO FIND SOMEONE WHO LAST SAW MR. BREAW.
10:06	DS	NOTHING FURTHER
	PR	CROSS
	PC	SOME ITEMS LEFT IN THE ABANDONED VEHICLE. 2 RIFLES, COLLECTABLE KNIFE, PISTOL, CHECKBOOKS, AND EMPTY BEER CANS. CONCERNED ABOUT THE PERSON'S WELL-BEING.
10:09	J	EXCUSE?
	DS	NO OBJECTION
	PR	NO OBJECTION
	DS	LET'S KEEP HIM.
	J	OK
	CLERK	CHRISTOPHER BELL SWORN
	DS	DIRECT
	CB	EMPLOYED WITH BONNER COUNTY SHERIFF'S OFFICE FOR 8 YEARS. POST CERTIFIED. FEBRUARY 5 <sup>TH</sup> RESPONDED TO AN ABANDONED VEHICLE IN COOLIN. LOOKED FOR PERSON WHERE THE VEHICLE ABANDONED.
		WHEN I WAS AT MR. BREAW'S HOUSE A WOMAN DROVE UP TO THE HOUSE AND SAID SHE HADN'T SEEN MR. BREAW FOR 2 WEEKS.
		WOOD'S TAVERN- BARTENDER HADN'T SEEN HIM FOR 2 WEEKS.
		AT THE END OF PRIEST LAKE AT LEONARD PAUL'S STORE. OWNER SAID MR. BREAW WAS A REGULAR CUSTOMER
10:17		SUBPOENA MR. BREAW'S BANK RECORDS ON THE 6 <sup>TH</sup> . ON THE 18 <sup>TH</sup> THERE WAS ACTIVITY AT MAX'S GROCERY. THE VIDEO WAS PULLED AT THE STORE. DON'T RECALL IF THE OWNER WAS ASKED IF HE KNEW MR. BROWN OR BREAW.
10:20		ASSISTING DETECTIVE INGRAM. CONCERNED ABOUT THE DISAPPEARANCE OF MR. BREAW AND THE BROWNS.
10:21	PR	CROSS
	CB	CONTACTED ON THE 5 <sup>TH</sup> BY CIAMMAICHELLA.
		THE LAST DAY AT THE INN FOR TYRAH BROWN WAS ON JANUARY 25.
		MR. BREAW FOUND ON MARCH 19, 2007 BY THE IDAHO DEPARTMENT OF LANDS.
		NOT IN THE COURT ROOM WHEN SEARCH WARRANTS ISSUED. I HELPED

		WITH SEARCH WARRANT ON FEBRUARY 7 <sup>TH</sup> .
10:24	DS	RE-DIRECT.
	CB	DIDN'T FIND THE BODY.
	CLERK	JOHN VALDEZ SWORN
	DS	DIRECT
	JV	DETECTIVE FOR BONNER COUNTY SHERIFF'S SINCE 1989. INVESTIGATED HOMICIDES FOR 30 YEARS. RECALL FEBRUARY 6 <sup>TH</sup> AND 7 <sup>TH</sup> . HELPED DETECTIVE INGRAM TO LOCATE MR. BREAW. TWO SEPARATE RESIDENCES ON MR. BREAW'S PROPERTY.
		LEONARD PAUL STORE- 02-06-07- I WENT TO THE STORE AND SPOKE TO MR. AKIN AND HE SAW BREAW AND THE BROWN'S ON JANUARY 24. OBTAINED RECEIPT BUT DON'T KNOW IF SIGNED.
10:32		TAMARACK GROCERY STORE- TRACY OLMO, MANAGER- TRANSACTION OCCURRED ON JANUARY 23- SIGNED RECEIPT. RECEIPT SIGNED WITH THE INITIALS LB. SOME RECEIPTS ARE SIGNED LB BUT NOT ALWAYS. THE TAMARACK STORE DIDN'T KNOW WHO SIGNED THE RECEIPT.
		NOTIFIED DETECTIVE INGRAM.
10:35		HEATHER CARLSON'S FROM THE LAB ANALYZED THE RECEIPT FROM TAMARACK STORE. I SENT HER SAMPLES OF BREAW'S SIGNATURE. I FOUND SAMPLES OF MR. BREAW'S SIGNATURE FROM HIS DRIVER'S LICENSE AND ESCROW DOCUMENTS. I SENT HER (HEATHER) A LOT OF THINGS.
10:39		MRS. CARLSON'S REPORT - DON'T KNOW WHY SHE SAYS IT IS A KNOWN SAMPLE. SHE MAY HAVE ASSUMED OR I MAY HAVE SAID. I DON'T KNOW.
10:41		PAM ROBERTS- SHE SAW MR. BREAW ON THE 18 <sup>TH</sup> OR 19 <sup>TH</sup> OF JANUARY.
		JOHN LONG- DETECTIVE FROM FLORIDA- MARCH 19 <sup>TH</sup> HAD CONTACT WITH HIM. LOOKED AT THE BODY, COULDN'T IDENTIFY THE PERSON BECAUSE OF DAMAGED TO THE BODY BY ANIMALS AND WEATHER.
		SALLY ACKIM, MEDICAL EXAMINER, IDENTIFIED THE BODY ON MARCH 21 <sup>ST</sup> .
		ON MARCH 20 <sup>TH</sup> DIDN'T KNOW IDENTITY OF BODY.
10:46		E-MAIL SENT TO JOHN LONG- NOT SURE IF DEFENDANT WAS ARRESTED BEFORE OR AFTER BODY IDENTIFIED. MARCH 20 <sup>TH</sup> AT 1:12 PM E-MAIL SENT. BODY WAS NOT IDENTIFIED BEFORE THAT.
		MR. BROWN WAS ARRESTED ON THE UNLAWFUL FLIGHT WARRANT.
		RECEIVED DOCUMENTS FROM JOHN LONG. MR. BROWN WAS ARRESTED ON MARCH 20 <sup>TH</sup> 2007 AT 12:30 PM- FLORIDA TIME.
10:52		OFF RECORD
11:08		RESUME
	JV	DEFENDANT WAS ARRESTED ON MARCH 20, 2009 ON AN OUT OF STATE FUGITIVE WARRANT. WORK WITH DETECTIVE INGRAM.
		WE TYPE REPORTS AND THEN SEND TO PROSECUTORS OFFICE.
	DS	DEFENDANT'S EXHIBIT C
	JV	ONE OF INGRAM'S REPORTS DATED 02-06-07 ABOUT MR. BREAW'S DISAPPEARANCE.
	DS	MOVE TO ADMIT EXHIBIT C
	LM	NO OBJECTION
	J	<b>ADMIT EXHIBIT C</b>
	DS	NOTHING ELSE.
	LM	CROSS
	JV	THERE IS A DIFFERENT TYPE OF INVESTIGATION WHEN THERE IS A CRIME COMMITTED BY SOMEONE THAT IS KNOWN BY THE VICTIM.
		TRIED TO FIND MR. BREAW UNTIL MARCH 19, 2007.
		TRIED TO FIND MR. BROWN BUT COULDN'T. A LARGE NUMBER OF OFFICERS WORKED ON THIS CASE.
11:16		DID AN INVENTORY OF BREAW'S TRUCK. FOUND A WALLET, PASS PORT, AND CHECKBOOK.
	DS	OBJECTION FOUNDATION.
	J	NEED FOUNDATION.

	JV	BANK TRANSACTION CARD USED AT MAX GAS AND GROCERY AT 01-18-07.
		OTHER TRANSACTIONS AT THE TAMARACK AND THE BAKERY BETWEEN JANUARY 18 2007 AND THE 23 <sup>RD</sup> . THE BAKERY TRANSACTION WAS DONE BY A DIFFERENT CARD.
11:20	DS	OBJECTION FOUNDATION.
	J	SUSTAINED NEED MORE FOUNDATION.
	JV	WENT TO ARDY'S BAKERY IN COOLIN ON THE 6 <sup>TH</sup> OR LATER. MAYBE I AM THINKING OF THE LEONARD PAUL STORE. WE WENT TO THE BAKERY BUT DON'T KNOW WHEN.
		PANHANDLE VISA USED AT THE TAMARACK AND HARDWARE STORE AFTER JANUARY 18 <sup>TH</sup> .
11:25		MRS. CARLSON- HANDWRITING SAMPLES SENT TO HER.
		MARCH 19, 2007- INGRAM, JOHNSTON, 3 STATE POLICE, 2-3 DEPUTY'S, AND THE CORONER ALL WENT TO THE LOCATION OF THE BODY. WE DIDN'T ARRIVE AT THE SAME TIME. WE SUSPECTED THAT THE BODY WAS LESLIE BREAW, WE COULDN'T IDENTIFY HIM.
11:28	DS	OBJECTION
	J	LAY MORE FOUNDATION.
	JV	WE DIDN'T TAKE ANYTHING FROM THE BODY AT THE REQUEST OF THE CORONER.
		BODY FOUND BY THE HOUSE OF THE VICTIM.
11:31	DS	RE-DIRECT
	JV	INVESTIGATING BANK TRANSACTION CARD USE.
		JANUARY 23, 2007 -TAMARACK STORE - PANHANDLE CARD USED. I LOOKED AT THE PANHANDLE STATE BANK RECORDS.
		ARDY'S BAKERY- CARD USED ON JANUARY 22, 2008 FOR \$55.54.
11:38		I DIDN'T PRESENT INFORMATION TO JUDGE BUCHANAN AFTER WARRANT ISSUED. I DON'T KNOW IF DETECTIVE INGRAM DID.
		INVESTIGATING THE HOMICIDE AND THE USE OF TRANSACTION CARD.
		THE WARRANT WAS ISSUED TO ASSIST IN FINDING MR. BREAW.
		I DIDN'T GET THE WARRANT.
		I TALKED TO THE FBI IN FINDING THE BROWNS. WE HAD THE GRAND THEFT WARRANT.
11:43	LM	NOTHING ELSE
	DS	ADMIT ALL DEPOSITIONS AND EXHIBITS
	J	HAVE A COPY OF THE DEPOSITION BUT NOT THE EXHIBITS. NOTHING IN THE FILE.
	PR	THE DEPOSITION NEEDED MR. INGRAM'S SIGNATURE.
	J	HAVE COPY OF DEPOSITION BUT NOT EXHIBITS. NEED COPY OF EXHIBITS.
11:47		<b>DEPOSITION WHEN RECEIVED MARK AS DEFENDANT'S EXHIBIT D</b>
	DS	YES
	J	<b>EXHIBIT D IS ADMITTED</b>
11:49	DS	REST
	LM	REST
	J	<b>THE FRANKS HEARING IS CLOSED AT THIS POINT. WE WILL TAKE UP THE MOTION TO SUPPRESS.</b>
	DS	DIRECT
	PR	WHICH MOTION TO SUPPRESS?
	DS	MOTION TO SUPPRESS EVIDENCE OBTAINED FROM SEARCH WARRANT ISSUED FEBRUARY 6, 2007
11:51	JV	SEARCH WARRANT ISSUED ON THE 6 <sup>TH</sup> AND THE SEARCH WARRANT WAS SERVED ON THE 7 <sup>TH</sup> . OBTAINED BREAW'S HARD DRIVE AND DIFFERENT DOCUMENTS. I TOOK PHOTOGRAPHS. I MAY HAVE FOUND PHOTOGRAPHS. I TOOK AN INVENTORY OF THE ITEMS TAKEN.
		DETECTIVE INGRAM RETURNED THE WARRANT. I BOOKED INTO EVIDENCE.
11:54	PR	CROSS

	JV	THE ITEMS SEIZED WERE INCLUDED ON THE SEARCH WARRANT.
	DS	THAT IS ALL TO THAT ISSUE.
		TAKE JUDICIAL NOTICE OF THE TRANSCRIPT OF ARREST AND SEARCH WARRANT.
	J	TAKE JUDICIAL NOTICE OF TRANSCRIPT OF ARREST WARRANT AND SEARCH WARRANT.
	DS	ALSO TAKE JUDICIAL NOTICE OF THE WARRANT AND THE RETURN OF THE WARRANT.
	J	YES.
		<b>PROVIDE ME COPIES OF TRANSCRIPTS OF AFFIDAVIT OF BOTH WARRANTS, COPIES OF BOTH WARRANTS AND RETURNS. WHO WILL PROVIDE?</b>
	DS	<b>I WILL.</b>
	J	DOES THAT CONCLUDE MOTIONS BY DEFENSE?
	PR	ONE MORE
	DS	TAKE JUDICIAL NOTICE.
	PR	MOTION TO SUPPRESS EVIDENCE FOR LACK OF PROBABLE CAUSE IN CR-07-621
	DS	CORRECT
	J	STATE AGAIN.
	PR	DATE TIME STAMP NOT SURE.
12:03	J	HAVE THE MOTION TO SUPPRESS EVIDENCE FOR LACK OF PROBABLE CAUSE IN CR-07-621 FILED MARCH 2 <sup>ND</sup> . STATE'S REPLY RECEIVED MARCH 17 <sup>TH</sup> , 2009. REPLY ON MARCH 23 <sup>RD</sup> , 2009.
	DS	CORRECT.
12:05	J	THAT IS ALL THE MOTIONS?
	DS	YES
	J	<b>NEED ADDITIONAL BRIEFING ON FRANKS HEARING. HOW LONG NEEDED?</b>
	DS	2 WEEKS.
	J	IS THAT ENOUGH TIME?
	DS	WOULD BE NICE TO HAVE A TRANSCRIPT OF TODAY'S HEARING.
12:07	J	<b>ORDER A TRANSCRIPT OF TODAY'S HEARING THAT WILL TAKE A COUPLE OF WEEKS.</b>
		<b>DEFENDANT'S BRIEF DUE DECEMBER 11<sup>TH</sup>.</b>
	PR	OUT OF STATE TILL AFTER THE HOLIDAYS.
	J	<b>STATE'S BRIEF DUE JANUARY 6<sup>TH</sup>.</b>
	DS	NEED 2 WEEKS TO RESPOND.
	J	<b>RESPONSE DUE THE 20<sup>TH</sup> OF JANUARY.</b>
	PR DS	NOTHING ELSE.
	J	SEND ME COPIES OF BRIEFS.
1210		END

☒ ADULT

☐ JUVENILE

STATE OF IDAHO } ss  
County of Bonner  
FILED 11369  
AT 9:30 O'Clock M  
CLERK, DISTRICT COURT

Deputy

# JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: GIBLER

CASE NO. CRO7 -- 2454

KEITH  
(SUBJECT'S FIRST NAME)

ALLEN  
(SUBJECT'S MIDDLE NAME)

BROWN  
(SUBJECT'S LAST NAME)

☒ SUBJECT APPEARED IN COURT ON: FRI NOV 13, '09 AT 0930 AM

☒ SUBJECT IS TO: ☐ BE OR'D  
☐ BE RELEASED BY JUDGES ORDER  
☐ BE RELEASED/TIME SERVED  
☐ BE RELEASED TO PARENT/PTA

☒ REMAIN IN CUSTODY

☒ BOND \$ SAME

☐ MUST SIGN WAIVER OF EXTRADITION

☐ WORK RELEASE/SEARCH GRANTED

☐ AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

☐ SENTENCED TO: ☐ \_\_\_\_\_ DAYS IMPOSED ☐ \_\_\_\_\_ HOURS ON SHERIFF'S LABOR PROGRAM.  
☐ \_\_\_\_\_ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**  
☐ \_\_\_\_\_ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**  
☐ \_\_\_\_\_ DAYS CREDIT \_\_\_\_\_, 20\_\_\_\_.

☐ SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: \_\_\_\_\_ AT \_\_\_\_\_ M

☐ BREATH OR U/A TEST ORDERED \_\_\_\_\_ X'S WEEKLY ON: \_\_\_\_\_ AT \_\_\_\_\_ M

☐ SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED \_\_\_\_\_ YEAR (S).

☐ SUBJECT SENTENCED TO SERVE NOT LESS THAN \_\_\_\_\_ AND NOT MORE THAN \_\_\_\_\_  
IN THE IDAHO STATE DEPT. OF CORRECTIONS.

☐ THIS SENTENCE IS SUSPENDED. ☐ PLACED ON \_\_\_\_\_ YEARS PROBATION.

☐ SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 180 DAYS.

☐ AS CONDITION OF PROBATION, SUBJECT TO SERVE \_\_\_\_\_ DAYS LOCAL JAIL.

## CHARGES

MOTION TO SUPPRESS

FRANKS HEARING

MOTION TO SUPPRESS WITH CRO7-621

JUDGE'S ORDER: SUBJECT IS TO REMAIN IN CUSTODY

NEXT HEARING - UNKNOWN

☐ JUDGE'S ORDER WILL FOLLOW

☐ PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

751

BAILIFF

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

ORIGINAL

2009 DEC -9 P 4: 38

Attorney for Defendant

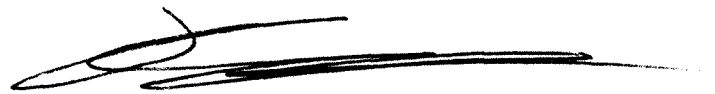
IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney,  
DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b),  
respectfully moves this Court ex parte for its Order approving attorney fees in  
this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed  
concurrently with this motion.

DATED this 9 day of December, 2009.



DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of December, 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

- ☐ mailed, postage prepaid, to:
- ☐ hand delivered to:
- ☐ delivered via Courthouse Mail to:
- ☐ faxed via\_\_\_\_\_, to:

---

Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2009 DEC 15 A 11:21

HARVEY SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of Two Thousand Two Hundred Eighty-Eight Dollars and Two Cents (\$2,288.02) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of November, 2009 in this case.

DATED this 14 day of December 2009.

Fred M. Gibler  
 FRED GIBLER  
 District Judge

ORDER FOR PAYMENT OF ATTORNEY FEES: 1

754



CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of December 2009, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-4438 to:

Linda Appert  
Clerk of the Court

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

2010 JAN 11 P 4:43

*Has*

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	MOTION FOR PAYMENT FOR
	)	PREPARATION OF TRANSCRIPT
vs.	)	
	)	
KEITH ALLEN BROWN,	)	
	)	
Defendant.	)	

COMES NOW the above-named Defendant, by and through his attorney, DANIEL SHECKLER, and, pursuant to I.C.R. 5.2, hereby moves this Court for its Order requiring the payment for preparation of the following transcript:

1. A transcript of the testimony and proceedings at the Franks Hearing held on November 13, 2009.
2. I am the Court-appointed attorney for Keith Brown in the above-entitled action. Costs for copies of the transcript should be paid by the State. Invoice is attached.

DATED this 11 day of January, 2010.



DANIEL SHECKLER  
Attorney at Law

756

**BYRL CINNAMON**  
 COURT REPORTER FOR THE HONORABLE FRED M. GIBLER  
 FIRST JUDICIAL DISTRICT, STATE OF IDAHO  
 IDAHO CSR #466  
 WASHINGTON CSR #2392

*At the courthouse:*

P.O. Box 527  
 Wallace, ID 83873  
 208-752-1266

*At home: ✓*

P.O. Box 2821  
 Hayden, ID 83835  
 208-664-5462  
[idbyrlc@roadrunner.com](mailto:idbyrlc@roadrunner.com)

I N V O I C E

TO: Daniel K. Sheckler, Attorney at Law  
 POWELL & REED  
 Post Office Box 1005  
 Sandpoint, Idaho 83864

INVOICE DATE: November 23, 2009

RE: State of Idaho v. Keith Brown, CRF 07-2454

Transcript of motion hearing, November 13, 2009

110 pages -----	\$357.50
Postage -----	\$ 1.73
TOTAL DUE -----	\$359.23

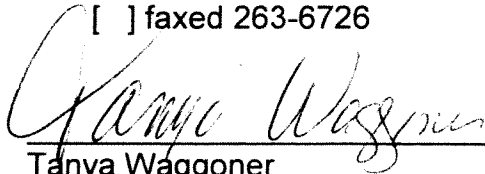
Thank you very much.

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of January, 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis Marshall  
Bonner County Prosecuting Attorney's  
Office  
127 S. First Avenue  
Sandpoint, ID 83864

[ ] mailed, postage prepaid  
[ ] hand delivered  
☒ delivered via Courthouse Mail  
[ ] faxed 263-6726

  
\_\_\_\_\_  
Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

2010 JAN 11 P 4:43

Kas

Attorney for Defendant


IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	MOTION FOR PAYMENT FOR
	)	PREPARATION OF TRANSCRIPT
vs.	)	
	)	
KEITH ALLEN BROWN,	)	
	)	
Defendant.	)	

COMES NOW the above-named Defendant, by and through his attorney, DANIEL SHECKLER, and, pursuant to I.C.R. 5.2, hereby moves this Court for its Order requiring the payment for preparation of the following transcript:

1. A transcript of the testimony of Deputy Tony Ingram at the Deposition held on September 4, 2009.
2. I am the Court-appointed attorney for Keith Brown in the above-entitled action. Costs for copies of the transcript should be paid by the State. Invoice is attached.

DATED this 11 day of January, 2010.

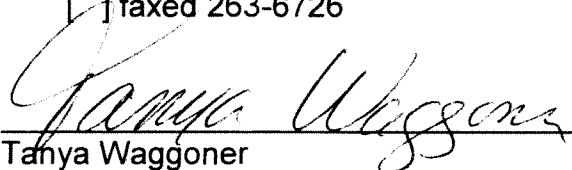
  
DANIEL SHECKLER  
Attorney at Law  
759

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of January, 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis Marshall  
Bonner County Prosecuting Attorney's  
Office  
127 S. First Avenue  
Sandpoint, ID 83864

☐ mailed, postage prepaid  
☐ hand delivered  
☒ delivered via Courthouse Mail  
☐ faxed 263-6726

  
Tanya Waggoner

**RECEIVED****M & M Court Reporting Service, Inc.**Rebill Invoice **DEC 24 2009**visit our web site at [www.m-mservice.com](http://www.m-mservice.com)

421 West Franklin Street

P.O. Box 2636

Boise, ID 83701-2636

Phone: (208) 345-9611

Fax: (208) 345-8800

**Invoice Date**

Thursday, September 24, 2009

**Invoice #**

8060C1

Daniel K. Sheckler  
Powell & Reed, P.C.  
318 Pine Street  
Sandpoint, ID 83864

Phone: (208) 263-3529 Fax: (208) 263-4438

**Witness:** Deputy Tony J. Ingram**Case:** State of Idaho v. Keith Brown**Venue:** Bonner County, Idaho**Case #:** CR 2007-2454**Date:** 9/4/2009**Start Time:** 2:30 PM**End Time:** 4:50 PM**Reporter:** Anne MacManus**Claim #:****File #:**

3969C2

Item	Description	Each	Quan	Total
OE	Transcript Fee for Original and One Copy - Expert	\$4.50	85	\$382.50
CD2T	Hourly Appearance Fee	\$40.00	2.5	\$100.00
EA	Exhibits Attached to Transcript	\$0.25	78	\$19.50
SalesTax	6% sales tax	\$1.17	1	\$1.17
SH	Shipping & Handling	\$10.00	1	\$10.00
SR	Marshall to Obtain Signature	\$0.00	1	\$0.00
Sub Total				\$513.17
Payments				\$0.00
Balance Due				\$513.17

Fed. I.D. # 82-0298125

**Thank you for your business. We accept VISA and MasterCards.**

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

2010 JAN 11 P 4:43

Attorney for Defendant


IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order approving attorney fees in this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed concurrently with this motion.

DATED this 11 day of January, 2010.

  
DANIEL SHECKLER  
Attorney at Law



CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of January, 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

- ☐ mailed, postage prepaid, to:
- ☐ hand delivered to:
- ☐ delivered via Courthouse Mail to:
- ☐ faxed via\_\_\_\_\_, to:

\_\_\_\_\_  
Tanya Waggoner

ORIGINAL

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2010 JAN 19 A 8:16

MAKIE SCOTT  
 CLERK DISTRICT COURT

DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the additional sum of One Thousand Six Hundred Eleven Dollars and Sixty Six Cents (\$1,611.66) to the Bonner County Public Defender's budget line item account number 559-0011, entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of December, 2009 in this case.

DATED this 13 day of January 2010.

Fred M. Gibler  
 FRED GIBLER

764 District Judge

ORDER FOR PAYMENT OF ATTORNEY FEES: 1

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of January 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Banner County Public Defender - Courthouse Mail

Linda Apple  
Clerk of the Court

CC: Banner County, Prosecutor 3-19-10 8. Apple

ORDER FOR PAYMENT OF ATTORNEY FEES: 2

765

/15/2010 11:58 2082634438

POWELL &amp; REED

PAGE 02/05

**ORIGINAL**

POWELL & REED, P.C.  
DAN SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

2010 JAN 15 P 4:37

ap

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	MOTION TO TRANSPORT
	)	
vs.	)	
	)	
KEITH A. BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant, by and through his attorney of record, Dan Sheckler, and hereby moves this Honorable Court for its Order directing the Bonner County Sheriff's Department to transport said Defendant to Certified Polygraph Associates at 9212 East Montgomery Ave., Spokane Valley, Washington, for a confidential defense examination on **January 21, 2009 at 8:00 a.m.** and to the same location for a **second confidential defense examination on January 26<sup>th</sup> at 8:00 a.m.** Transport of the Defendant shall take place on said date at a time to allow the Defendant to be

MOTION TO TRANSPORT: 1

1/15/2010 11:58

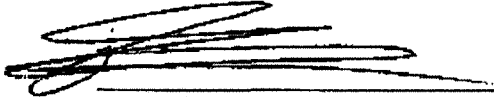
2082634438

POWELL &amp; REED

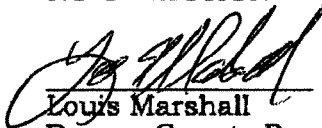
PAGE 03/05

present at the aforesaid location at the aforesaid time. Defendant shall then be transported back to the Bonner County Jail on each date at the conclusion of each confidential defense examination.

DATED this 15 day of January 2010

  
Dan Sheckler  
Attorney at Law

NO OBJECTION

  
Louis Marshall  
Bonner County Prosecutor

CERTIFICATE OF SERVICE

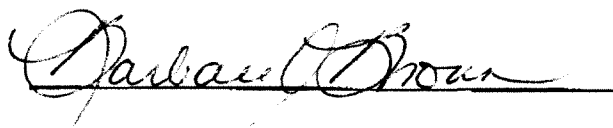
I hereby certify that on the 15<sup>th</sup> day of January 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864  
FAX 263-6726

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☒ faxed via 263-6726:

The Honorable Fred Gibler

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 208-753-3581



**ORIGINAL**

01/14/2010 15:38

2082636726

POWELL & REED

PAGE 01/11

2010 JAN 15 P 4:36

IDAHO  
BONNER  
DISTRICT COURT  
ap

POWELL & REED, P.C.  
DANIEL SHECKLER  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

KEITH ALLEN BROWN,

Defendant.


Case No. CR 2007-02454

MOTION FOR CHANGE  
OF VENUE

COMES NOW the above-named defendant, by and through his attorney of record,  
Daniel Sheckler and hereby moves to change venue to Shoshone County, Idaho pursuant to  
Idaho Criminal Rule 21(a).

The grounds for the aforesaid motion are that excessive media coverage has  
prejudiced the Defendant's case, and there is a reasonable likelihood that exists that pretrial  
publicity has affected impartiality of potential prospective jurors as demonstrated in  
Exhibit A.

DATED this 14 day of January, 2010.

  
DANIEL SHECKLER  
Attorney at Law

MOTION FOR CHANGE OF VENUE :

01/14/2010 15:38 2082634438

POWELL &amp; REED

PAGE 02/11

No Objection

  
Louis MarshallCERTIFICATE OF SERVICE

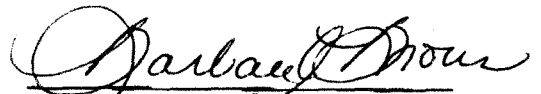
I hereby certify that on the 15<sup>th</sup> day of January, 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☒ faxed via 208 263-6726, to:

The Honorable Fred M. Gibler  
Shoshone County Courthouse  
P.O. Box 527  
Wallace, ID 83873-0527

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via (208) 753-3581, to:

  
Tanya Waggoner Barbara BROWN

ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2010 JAN 19 A 4:47

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	
	)	ORDER FOR PAYMENT OF
vs.	)	PREPARATION OF TRANSCRIPT
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

This matter having come before this Court upon the Defendant's Motion and good cause appearing therefore, now, therefore,

IT IS HEREBY ORDERED that the cost for the transcript of the testimony and proceedings at the Franks Motion Hearings held on November 13, 2009, be paid by the State

DATED this 15 day of January, 2010.

Fred M. Gibler  
JUDGE

770



CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of Jan 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

*Kathleen Smith*  
Clerk of the Court

ORIGINAL

POWELL &amp; REED, P.C.

DANIEL SIECKLER

Attorney at Law

318 Pine Street

P.O. Box 1005

Sandpoint, ID 83864

Telephone: (208) 263-3529

Facsimile: (208) 263-4438

ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2010 JAN 19 A 9:07

MARIE SCOTT  
CLERK DISTRICT COURT*Kas*  
DEPUTYIN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	
	)	ORDER FOR PAYMENT OF
vs.	)	PREPARATION OF TRANSCRIPT
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

This matter having come before this Court upon the Defendant's Motion and good cause appearing therefore, now, therefore,

IT IS HEREBY ORDERED that the cost for the transcript of the testimony and proceedings at the Deposition of Deputy Tony Ingram held on September 4, 2009, be paid by the State

DATED this 15 day of January, 2010.

*Paul M. Hill*  
\_\_\_\_\_  
JUDGE

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of Jan 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

*Kathleen Smith*  
Clerk of the Court

POWELL & REED, P.C.

Dan Sheckler

Attorney at Law

318 Pine Street

Box 1005

Sandpoint, Idaho 83864

Telephone: (208) 263-3529

Facsimile: (208) 263-4438

ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2010 JAN 19 P 3:33

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

KEITH A. BROWN,

Defendant.

Case No. CR-07-2454

ORDER TO TRANSPORT

This matter having come before this Court on the stipulated motion to transport, and for good cause appearing therefore, now, therefore,

IT IS HEREBY ORDERED that the above-named Defendant be transported by the Bonner County Sheriff's Office to Certified Polygraph Associates at 9212 East Montgomery Ave., Spokane Valley, Washington, for a confidential defense examination on January 21, 2010 at 8:00 a.m, and to the same location for a second confidential defense examination on January 26, 2010 at 8:00 a.m. Transport of the Defendant shall take place on said date at

a time to allow the Defendant to be present at the aforesaid location at the aforesaid time. Defendant shall then be transported back to the Bonner County Jail on each date at the conclusion of each confidential defense examination.

IT IS FURTHER ORDERED, that the aforesaid transportation shall not occur unless the Defendant signs a waiver of extradition

DATED this 19 day of January, 2010.

  
The Honorable Fred Gibler

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of January, 2010, a true and correct copy of the foregoing was:

Dan Sheckler  
P.O. Box 1005  
Attorney at Law  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-4478, to:

Louis E. Marshall  
Bonner County Prosecuting Attorney  
127 S First  
Sandpoint, Idaho 83864  
FAX 263-6726

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-6726, to:

Bonner County Sheriff's Office  
4001 N. Boyer Ave.  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 253-1975, to:

  
Linda Appelt

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, Idaho 83864  
Phone: (208) 263-3529  
Fax: (208) 263-4438  
ISB No. 7773

ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2010 JAN 19 P 3:33

MARIE SCOTT  
CLERK DISTRICT COURT  
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	<b>ORDER TO CHANGE VENUE</b>
	)	
Vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	
	)	

The above-entitled matter having come before the Court pursuant to Defendant's Motion  
to Change Venue, and with no objection from State and for good cause now Appearing:

IT IS ORDERED that venue in the above-entitled matter shall be changed to Shoshone  
County.

DATED this 19 day of January 2010.

Fred M. Gible  
FRED GIBLER  
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of January 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-4438 to:

Linda Appel  
Clerk of the Court

CC: Jury Commissioner  
Lynne  
Bailliff

ORDER TO CHANGE VENUE: 2

777

Trial Court Administrator - 446-1224

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<p><b>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</b></p> <p><b>■ Print your name and address on the reverse so that we can return the card to you.</b></p> <p><b>■ Attach this card to the back of the mailpiece, or on the front if space permits.</b></p>	<p><b>A. Signature</b>  <div style="border: 1px solid black; padding: 2px; display: inline-block;"> X <i>Fred M. Gibler</i> </div> <div style="display: inline-block; vertical-align: top; margin-left: 10px;"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee </div> </p>						
<p><b>1. Article Addressed to:</b></p> <p style="font-size: 1.2em; margin-top: 10px;">Judge Fred Gibler Shoshone County Courthouse 700 Bank Street Wallace, ID 83873-0527</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <b>B. Received by (Printed Name)</b>  <div style="border: 1px solid black; padding: 2px; display: inline-block;">Fred M. Gibler</div> </td> <td style="width: 50%; padding: 5px;"> <b>C. Date of Delivery</b>  <div style="border: 1px solid black; padding: 2px; display: inline-block;">1-21-80</div> </td> </tr> </table> <p><b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes  <b>If YES, enter delivery address below:</b> <input type="checkbox"/> No</p>	<b>B. Received by (Printed Name)</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;">Fred M. Gibler</div>	<b>C. Date of Delivery</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;">1-21-80</div>				
<b>B. Received by (Printed Name)</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;">Fred M. Gibler</div>	<b>C. Date of Delivery</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;">1-21-80</div>						
<p><b>2. Article Number</b>  <i>(Transfer from service label)</i></p>	<p><b>3. Service Type</b></p> <table style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> Certified Mail</td> <td><input type="checkbox"/> Express Mail</td> </tr> <tr> <td><input type="checkbox"/> Registered</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input checked="" type="checkbox"/> Insured Mail</td> <td><input type="checkbox"/> C.O.D.</td> </tr> </table> <p><b>4. Restricted Delivery? (Extra Fee)</b> <input checked="" type="checkbox"/> Yes</p>	<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input checked="" type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail						
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise						
<input checked="" type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.						
<div style="font-size: 1.5em; font-weight: bold; letter-spacing: 0.5em;">7006 0810 0000 5448 2014</div>							

<b>U.S. Postal Service</b> <b>CERTIFIED MAIL<sup>®</sup> RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$19.40
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	4.50
Total Postage & Fees	\$29.00
Postmark Here JAN 20 2010 <i>Leit</i> <i>ede</i>	
Sent To Judge Fred Gibler / Shoshone County Court Street, Apt. No. / or PO Box No. 700 Bank Street City, State, ZIP+4 Wallace, ID 83873-0527	



POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2010 JAN 19 P 3:33

MAKIE SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER TO CHANGE VENUE
	)	
Vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court pursuant to Defendant's Motion  
 to Change Venue, and with no objection from State and for good cause now Appearing:

IT IS ORDERED that venue in the above-entitled matter shall be changed to Shoshone  
 County.

DATED this 19 day of January 2010.

Fred M. Gibler  
 FRED GIBLER  
 District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of January 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-4438 to:

Linda Appel  
Clerk of the Court

STATE OF IDAHO  
County of Bonner

I, Marie Scott, Clerk of the District Court of the First Judicial District of the State of Idaho, and for the County of Bonner, do hereby certify that the foregoing instrument is a true and correct copy of the original thereof now on file in this office. Witness my hand and seal of said Court on this,

the 20 day of January 2010  
MARIE SCOTT, Clerk

By Linda Appel Deputy



CC: Jury Commissioner

Lynne  
Bailliff

ORDER TO CHANGE VENUE: 2

780

Trial Court Administrator - 446-1224

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

Attorney for Defendant

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2010 JAN 21 A 11:38

MAKIE SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	<i>AMENDED</i>
Plaintiff,	)	ORDER TO CHANGE VENUE
	)	
Vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	
	)	

The above-entitled matter having come before the Court pursuant to Defendant's Motion  
 to Change Venue, and with no objection from State and for good cause now Appearing:

IT IS ORDERED that venue in the above-entitled matter shall be changed to Shoshone  
*Venue is transferred for purposes of trial only.*  
 County. *All court filings shall continue to be made in Bonner County.*

DATED this 29 day of January 2010.

*Fred M. Gibler*  
 FRED GIBLER  
 District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of January 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Chief Deputy Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☐ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☒ faxed via 263-4438 to:

Lance Gibbs  
Clerk of the Court

ORIGINAL

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2010 FEB -2 P 1:32

MAHE S. COO  
CLERK DISTRICT COURT  
DEPUTY

**OFFICE OF THE PROSECUTING ATTORNEY**

127 S. First Avenue  
SANDPOINT, ID 83864  
(208) 263-6714  
FAX: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	CASE NO.: CR-2007-2454
	)	
vs.	)	PLAINTIFF'S SUPPLEMENTAL
	)	RESPONSE TO REQUEST FOR
KEITH ALLAN BROWN,	)	DISCOVERY
	)	
<u>Defendant.</u>	)	

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following supplemental response to discovery:

<b>Correspondence Box "C"</b>	Written correspondence to and from Keith from September 2009 through January, 2010, contained in "Correspondence Box "C" and are available for inspection and copying at the Office of the Bonner County Prosecuting Attorney.
-------------------------------	--

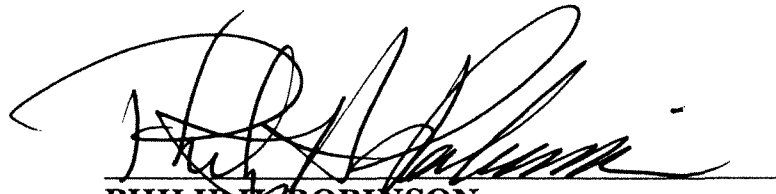
If you have not received any of the foregoing copies, please contact this office immediately.

Pursuant to Idaho Criminal Rule 16, the Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph books, paper, documents, photographs, tangible objects, building or places or copies or portions thereof, which are mentioned or listed in the above-listed documents and which are in the possession, custody or

control of the Prosecuting Attorney and which are material to the preparation of the defense, or intended for use by the Prosecutor as evidence at trial, or obtained from or belonging to the Defendant.

The Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are mentioned or listed in the above-listed documents and which are within the possession, custody or control of the Prosecuting Attorney, the existence of which is known or is available to the Prosecuting Attorney by the exercise of due diligence.

DATED this 7 day of February, 2010.

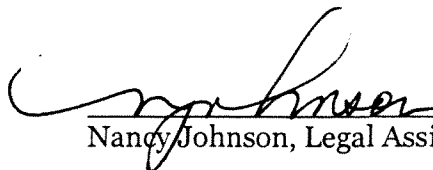
  
PHILIP H. ROBINSON  
Chief Deputy Prosecuting Attorney

#### CERTIFICATE OF MAILING

I hereby certify that on the 12 day of February, 2010, I caused to be served a true and correct copy of the foregoing document as addressed to the following:

Court File - Original

Daniel Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint, ID 83864

  
Nancy Johnson, Legal Assistant

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

200 FEB -4 P 4:33

*h*

Attorney for Defendant

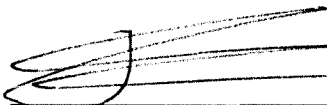
IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION TO ALLOW
	)	PAYMENT OF ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order approving attorney fees in this matter.

The foregoing motion is based upon the affidavit of Daniel Sheckler filed concurrently with this motion.

DATED this 4 day of February, 2010.



DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of February, 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

- ☐ mailed, postage prepaid, to:
- ☐ hand delivered to:
- ☐ delivered via Courthouse Mail to:
- ☐ faxed via\_\_\_\_\_, to:

\_\_\_\_\_  
Tanya Waggoner



ORIGINAL

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, ID 83864  
 Telephone: (208) 263-3529  
 Facsimile: (208) 263-4438  
 ISB No. 7773

Attorney for Defendant

STATE OF IDAHO } ss  
 County of Bonner  
 FILED 2.8.10  
 AT 8:02 O'Clock 9 M  
 CLERK, DISTRICT COURT  
 Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

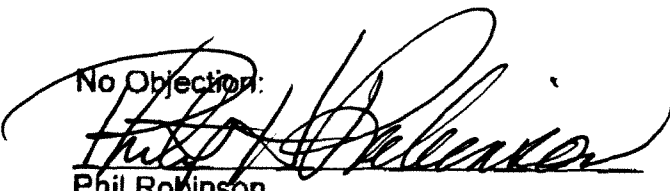
STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	MOTION TO CONTINUE JURY TRIAL
	)	
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW the above-named Defendant, by and through his attorney,  
 DANIEL SHECKLER, and hereby moves this Court for an Order continuing the Jury  
 Trial currently scheduled for March 9-18<sup>th</sup>, 2010.

DATED this 4 day of February, 2010

  
 DANIEL SHECKLER  
 Attorney for Defendant

No Objection:

  
 Phil Robinson  
 Bonner County Prosecuting Attorney

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 P.O. Box 1005  
 318 Pine Street  
 Sandpoint, ID 83864  
 Telephone: (208) 263-3529  
 Facsimile: (208) 263-4438  
 ISBN: 7773

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2010 FEB -8 P 3:03

HARVEY SOUTHER  
 CLERK DISTRICT COURT  
 DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER TO CONTINUE JURY TRIAL
	)	
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

This matter having come before this Court upon the parties' Stipulation, and for good cause appearing, now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Jury Trial in the above-entitled matter currently scheduled for March 9-18<sup>th</sup>, 2010, is hereby vacated. The Trial should be rescheduled by the Court for Jury Trial and Pretrial Conference. *The trial is rescheduled for September 14-23 in Shoshone County.*  
 DATED this 8 day of February, 2010.

*Fred M. Gibler*  
 JUDGE GIBLER

02/04/2010 15:12 2082634438

POWELL &amp; REED

PAGE 04/04

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of February, 2010, a true and correct copy of the foregoing was served on the following individual(s) by the method indicated:

Phil Robinson  
Bonner County Prosecuting Attorney  
127 S. First  
Sandpoint, ID 83864  
FAX 263-6726

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed

Daniel Sheckler  
Powell & Reed, PC  
PO Box 1005  
Sandpoint, ID 83864  
FAX 263-4438

☐ mailed, postage prepaid  
☐ hand delivered  
☐ delivered via Courthouse Mail  
☒ faxed

Lench Apple  
DEPUTY CLERK OF COURT

CC: Bonner County Bailiffs

ORDER TO CONTINUE JURY TRIAL: 2

ORIGINAL

POWELL & REED, P.C.  
 DANIEL SHECKLER  
 Attorney at Law  
 318 Pine Street  
 P.O. Box 1005  
 Sandpoint, Idaho 83864  
 Phone: (208) 263-3529  
 Fax: (208) 263-4438  
 ISB No. 7773

STATE OF IDAHO  
 COUNTY OF BONNER  
 FIRST JUDICIAL DIST.

2010 FEB 10 A 9:48

HAILE SCOTT  
 CLERK DISTRICT COURT  
 DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2434
	)	
Plaintiff,	)	ORDER FOR PAYMENT OF
	)	ATTORNEY FEES
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte  
 Motion for Attorney Fees and for good cause now appearing:

IT IS HEREBY ORDERED that the Bonner County Clerk set aside from public funds the  
 additional sum of One Thousand Five Hundred Nineteen Dollars and Fifty-Nine Cents  
 (\$1,519.59) to the Bonner County Public Defender's budget line item account number 550-0011,  
 entitled "PD Enhancement-Brown," for payment of attorney fees earned in the month of January,  
 2010 in this case.

DATED this 10 day of February 2010.

*Fred M. Gibler*  
 FRED GIBLER  
 District Judge

ORDER FOR PAYMENT OF ATTORNEY FEES: 1 790

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of February 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Linda Appert  
Clerk of the Court

CC: Prosecutor 3-19-10 Y. Appert

791

ORIGINAL

POWELL & REED, P.C.  
DANIEL SHECKLER  
Attorney at Law  
318 Pine Street  
P.O. Box 1005  
Sandpoint, ID 83864  
Telephone: (208) 263-3529  
Facsimile: (208) 263-4438  
ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
JUDICIAL DISTRICT  
2010 MAR 18 P 4: 35  
DANIEL SCOTT  
JUDICIAL DISTRICT COURT  
CLERK

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

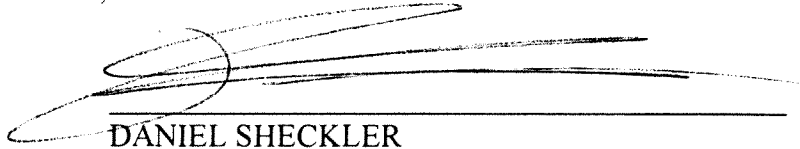
STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	EX PARTE MOTION FOR APPROVAL
	)	OF INVESTIGATIVE FUNDS
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

COMES NOW, the above-named Defendant by and through his attorney, DANIEL SHECKLER of Powell & Reed, P.C., and pursuant to I.C. 19-860(b), respectfully moves this Court ex parte for its Order directing the Bonner County Clerk that pursuant to all prior Orders by this court transferring funds into line item account number 559-011, entitled "PD Enhancement-Brown," for payment of pretrial costs of this phase of Defense investigation or expert expenses, the funds shall roll over into the current fiscal year, and any funds previously transferred out of said account by the Bonner County clerk due to the lapse in fiscal year, shall be immediately returned to said account.

The grounds for the foregoing motion are that this Court has previously approved investigative or expert expenses in prior fiscal years. Such funds were not completely exhausted

in the prior fiscal years. The Bonner County Clerk advised defense counsel that the funds were not rolled over into the current year, and that a Court Order was necessary to restore funds not spent in the fiscal year in which the Court approved the Orders for investigative funds.

DATED this 16 day of March, 2010.

  
\_\_\_\_\_  
DANIEL SHECKLER  
Attorney at Law

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of March, 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

- ☐ mailed, postage prepaid, to:
- ☐ hand delivered to:
- ☐ delivered via Courthouse Mail to:
- ☐ faxed via \_\_\_\_\_, to:

\_\_\_\_\_  
Tanya Waggoner

**ORIGINAL**

POWELL &amp; REED, P.C.

DANIEL SHECKLER

Attorney at Law

318 Pine Street

P.O. Box 1005

Sandpoint, Idaho 83864

Phone: (208) 263-3529

Fax: (208) 263-4438

ISB No. 7773

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

2010 MAR 19 A 10:32

MARIE SCOTT  
CLERK DISTRICT COURT

DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,	)	Case No. CR-2007-2454
	)	
Plaintiff,	)	ORDER FOR APPROVAL OF
	)	INVESTIGATIVE FUNDS
vs.	)	
	)	
KEITH BROWN,	)	
	)	
Defendant.	)	

The above-entitled matter having come before the Court upon the Defendant's Ex Parte Motion for Approval of Investigative Funds and for good cause now appearing:

IT IS HEREBY ORDERED that prior funds for account number 559-011, entitled "PD Enhancement - Brown," that were previously ordered by this court to be transferred for payment of pretrial costs of this phase of Defense investigation or expert expenses shall roll over into the current fiscal year, and any funds previously transferred out of said account by the Bonner County clerk due to the lapse in fiscal year, shall be immediately returned to said account.

DATED this 19<sup>th</sup> day of March 2010.  
JOHN MITCHELL  
Administrative Judge

794



CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of March 2010, a true and correct copy of the foregoing was served as indicated to the following individual(s):

Louis E. Marshall  
Bonner County Prosecuting  
Attorney  
127 S. First  
Sandpoint, ID 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☒ delivered via Courthouse Mail to:  
☐ faxed via 263-6726, to:

Daniel Sheckler  
Attorney at Law  
P.O. Box 1005  
Sandpoint, Idaho 83864

☒ mailed, postage prepaid, to:  
☐ hand delivered to:  
☐ delivered via Courthouse Mail to:  
☐ faxed via 263-4438 to:

Lynch Appels  
Clerk of the Court

2010 APR -8 P 1:41

**OFFICE OF THE PROSECUTING ATTORNEY**

127 S. First Avenue  
 SANDPOINT, ID 83864  
 (208) 263-6714  
 FAX: (208) 263-6726

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	CASE NO.: CR-2007-2454
	)	
vs.	)	PLAINTIFF'S SUPPLEMENTAL
	)	RESPONSE TO REQUEST FOR
KEITH ALLAN BROWN,	)	DISCOVERY – ADDITIONAL WITNESS
Defendant.)	)	

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following supplemental response to discovery:

Additional Witness: **Amanda Sangrey** – Testimony about meth use, possession and distribution by Keith Brown. Sexual Assault by Keith Brown

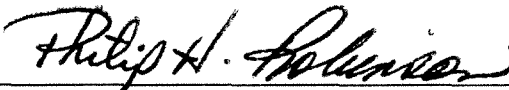
If you have not received any of the foregoing copies, please contact this office immediately.

Pursuant to Idaho Criminal Rule 16, the Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph books, paper, documents, photographs, tangible objects, building or places or copies or portions thereof, which are mentioned or listed in the above-listed documents and which are in the possession, custody or control of the Prosecuting Attorney and which are material to the preparation of the defense, or

intended for use by the Prosecutor as evidence at trial, or obtained from or belonging to the Defendant.

The Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are mentioned or listed in the above-listed documents and which are within the possession, custody or control of the Prosecuting Attorney, the existence of which is known or is available to the Prosecuting Attorney by the exercise of due diligence.

DATED this 7<sup>th</sup> day of April, 2010.

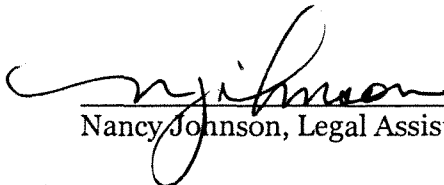
  
\_\_\_\_\_  
**PHILIP H. ROBINSON**  
Chief Deputy Prosecuting Attorney

**CERTIFICATE OF MAILING**

I hereby certify that on the 7<sup>th</sup> day of April, 2010, I caused to be served a true and correct copy of the foregoing document as addressed to the following:

Court File - Original

Daniel Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint, ID 83864

  
\_\_\_\_\_  
Nancy Johnson, Legal Assistant

First Judicial District Court, State of Idaho  
In and For the County of Bonner  
215 S. First Avenue  
Sandpoint, Idaho 83864

STATE OF IDAHO  
COUNTY OF BONNER  
FIRST JUDICIAL DIST.

JUN 17 10 1:23

STATE OF IDAHO,  
Plaintiff.

vs.

Keith Allen Brown  
[REDACTED]  
Sandpoint, ID 83864

Defendant.

DOB: [REDACTED]  
DL or SSN: [REDACTED] MT

Marie Scott  
CLERK DISTRICT COURT

*cm*  
DEPUTY

Case No: CR-2007-0002454

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Status  
Judge:

Thursday, July 22, 2010 @ 10:00 AM (in Sandpoint)  
Fred M. Gibler

Alternate Presiding Judges: Charles W. Hosack, John P. Luster,  
Fred M. Gibler, George Reinhardt, III, John H. Bradbury, Lansing Haynes,  
Benjamin Simpson

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Thursday, June 17, 2010:

Keith Allen Brown

Mailed \_\_\_\_\_ Hand Delivered \_\_\_\_\_

Counsel:  
Daniel K Sheckler  
Attorney at Law  
PO Box 1005  
Sandpoint ID 83864

Mailed ☒ Hand Delivered \_\_\_\_\_

Louis E Marshall  
Bonner County Prosecutor

COURT  
MAILED ☒ Hand Delivered \_\_\_\_\_

Dated: Thursday, June 17, 2010  
Marie Scott  
Clerk of the District Court

By: Cherie Moore  
Deputy Clerk

cc: Hon. Fred Gibler (faxed)  
Bonner County Jail (faxed)

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: FRED GIBLER  
REPORTER: BYRL CINNAMON  
CLERK: LINDA OPPELT  
DIVISION: DISTRICT

CASE NO. CR-2007-2454  
DATE: 07-22-10  
COURTROOM 3

TIME: 10:00 A.M.

STATE OF IDAHO

vs KEITH ALLEN BROWN

Plaintiff / Petitioner

Defendant / Respondent

Atty: LOUIS MARSHALL, PHILIP ROBINSON

Atty: DANIEL SHECKLER

SUBJECT OF PROCEEDINGS

STATUS

INDEX	SPEAKER	PHASE OF CASE
10:58	J	<b>Calls Case</b>
		<b>Present:</b> DEFENDANT PRESENT IN CUSTODY, DANIEL SHECKLER, PHILIP ROBINSON
	J	HAVE MET WITH ATTORNEYS
		PARTIES HAVE AGREED TO THE FOLLOWING:
		2 REMAINING SUPPRESSION HEARINGS ON SEARCH WARRANT FOR HOUSE AND WELFARE CHECK. DEFENDANT TO FILE BRIEFS ON EACH ISSUE BY 08-05-10. STATE TO FILE REPLY BRIEF BY 08-12-10 DEFENDANTS RESPONSE BRIEF TO BE FILED BY 08-19-10.
	PR DS	CORRECT
	J	09-01-10 HEARINGS ON THOSE ISSUES AND ANY OTHER ISSUES.
		DISCLOSURE OF EXHIBITS, WITNESSES, AND ALL DISCOVERY ISSUES. CUTOFF DATE IS 08-18-10.
	PR	CORRECT
	DS	DEFENSE EXPERT - PATHOLOGIST REPORT TO BE SUPPLIED LATER.
	PR	WOULD LIKE TO KNOW PATHOLOGISTS NAME.
	J	PATHOLOGISTS NAME BY 08-18-10. REPORT DUE BY 09-01-10.
		MOTION IN LIMINE- TO FILE MOTIONS AND BRIEFS BY 08-24-10.
		09-01-10 TO HEAR MOTION TO LIMINE.
	DS	ALSO 09-02-10
	J	YES MAY GO OVER INTO 09-02-10.
		INFORM JURY PANEL NOT A DEATH PENALTY CASE.
	PR DS	CORRECT
	J	YOU HAVE A DESIRE TO EMPLOY AN OUTSIDE ATTORNEY TO REVIEW SOME OF YOUR WORK FOR COMPLETENESS?
	DS	YES
	J	PROVIDE ORDER FOR ATTORNEY.
	DS	YES
	J	BRING IN OUTSIDE MEDIATOR?
	PR	NO OBJECTION AND I WOULD STIPULATE.
	DS	IF MR. BROWN AGREED WE WOULD SUBMIT AN ORDER.
	J	LET ME KNOW AND I CAN SCHEDULE THAT. IS THAT ALL THE ISSUES?
	PR	ALL DISCOVERY TO BE SUBMITTED BY 08-18-10. WHAT TIME ON SEPTEMBER 1 <sup>ST</sup> .
	J	9:30 ON SEPTEMBER 1 <sup>ST</sup> . ANYTHING ELSE?
	PR	AGREED TO THE JURY QUESTIONNAIRE.

	DS	YES
	J	WILL MAKE CHANGES AND GET THEM OUT.
11:05		END